

THE
T R I A L
OF THE CAUSE OF
THE KING

578. C. 24,
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VERSUS

Warren (John)

THE BISHOP OF BANGOR,
HUGH OWEN, D.D. JOHN ROBERTS,
JOHN WILLIAMS, CLERKS,
AND THOMAS JONES, GENTLEMAN;

At the ASSIZES, holden at SHREWSBURY on
the 26th of July 1796,

Before the Honourable Mr. Justice HEATH;

BY A SPECIAL JURY.

Taken in Short Hand by MR. GURNEY.

LONDON:

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On the Prosecution of Samuel Grindley,

AGAINST

The Right Reverend John Lord Bishop of Bangor, Hugh Owen, clerk, (D.D.) John Roberts, clerk, John Williams, clerk, and Thomas Jones, gentleman.

THE Indictment consists of several counts; and states, That Samuel Grindley, gentleman, is Deputy Registrar of the Consistorial Court of the Bishop of Bangor; and being such, had of right the occupation of a certain Office adjoining to the Cathedral Church of Bangor, called The Registrar's Office:

That the Defendants, intending to disturb the said Prosecutor in the execution of his said office, and to trouble the peace of the King, on the eighth day of January 1796, unlawfully entered the said office, and for the space of one hour, against the will of the said Samuel Grindley, stayed, and during the said time made a disturbance therein, and did assault, and evilly treat the said Samuel Grindley, and did affirm that the said Samuel Grindley unlawfully assumed the said office:

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That

That the Defendants did stir up ill-disposed persons therein assembled, to expel the said Samuel Grindley out of the said office :

That the said Defendants did assemble to disturb the peace of the King ; and a certain room, called The Registrar's Office, did enter, and disturbance then and there did make, and upon the said Samuel Grindley did make an assault :

That the Defendants did unlawfully assemble to disturb the peace of the King, and upon the said Samuel Grindley did make an assault.

This being a proceeding in the Court of King's Bench, the personal appearance of the Defendants was not necessary.

THE JURY.

THOMAS KINNERSLEY, - - of Leighton,
THOMAS JELFE POWYS, - - of Smethcott,
JOHN MOULTRIE, - - - - of Aston Hall,
GEORGE APPLEBY, - - - - of Shiffnall,
JOHN BISHTON, - - - - - of Kilsall,
EDWARD GATACRE, - - - - of Gatacre,
WILLIAM CLUDDE, - - - - - of Orilton,
EDWARD PEMBERTON, of Wrockwardine,
JOHN HILL, - - - - - of Prees,
ANDREW CORBETT, - - of High Hatton,
JOHN SMITHEMAN, - - of West Coppice,
OWEN ROBERTS, - - - - - of Wem,

Esquires.

COUNSEL for the PROSECUTION:

MR. ADAM,

MR. SERJT. WILLIAMS,*

MR. MANLEY,

MR. ELLIS.

SOLICITOR,

MR. GRINDLEY, - - - the Prosecutor.

COUNSEL for the DEFENDANTS:

The Honourable THOMAS ERSKINE,

MR. PLUMER,

MR. LEYCESTER,

MR. MILLES.

SOLICITOR,

MR. ANDREE.

* Mr. Serjt Williams was prevented from attending by indisposition.

MR. Ellis opened the Pleadings.

Mr. Adam for the Prosecution.

May it please your LORDSHIP.

Gentlemen of the Jury,

YOU have heard from my learned Friend, who has opened the pleadings to you in this cause, that Samuel Grindley is the Prosecutor, and that he is Deputy Registrar of the Diocese of Bangor.—You have heard, likewise, that the Defendants are, the Bishop of Bangor, three Clergymen, and a Gentleman who is Agent for the Bishop.

In the outset of this cause I have already learned enough, from the manner in which my learned friends have received the opening of the pleadings, to shew me, that they seem to have an inclination, as it were, to make that a jest, which, I can assure you, is a matter of extreme seriousness.—Gentlemen, I introduce it to you with all the anxiety which belongs to a person who is unaccustomed to address you—I introduce it with the anxiety which belongs to a person, who is to maintain a conflict with abilities that are seldom unsuccessful—but I open it to you, I do assure you, in the pure spirit of moderation and of candour; and, if I might say so in a question of this sort, in the pure spirit of the true principles of Christianity; that is, of wishing that all mankind should do unto others as they wish to see done unto themselves.

Gentlemen, I wish to call your attention to it seriously, and will take the liberty of stating to you why you are called upon to judge in this cause.—The question to be tried did not happen within your ordinary jurisdiction—it was not in this county

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that

that the offence, which is complained of, took place : But an application has been made to remove it here ; and it is possible that such an application might produce some prejudice in your minds, as if there had been something in the conduct of the party, for whom I have the honour to appear, which has made it improper to permit the question to be tried where it arose. The application to remove the cause from Wales to the nearest English county, was made upon an affidavit, which I have not seen, and was granted by my Lord Chief Justice Kenyon, who undoubtedly exercised his discretion wisely and justly, as he does upon all occasions. He thought, that, under the circumstances stated by those concerned for the Bishop of Bangor, and upon the affidavit made by those who are prosecuted, without any opposition or interference of any sort or kind whatever by the person who appears here as the Prosecutor, that it was fit to remove it. When he did so, I know he removed it to a tribunal of uprightness, of virtue, and honour. I know he removed it to a situation where, I am confident, intelligence and integrity will alike prevail ; and I am by no means afraid of the mere circumstance of its being removed, having any influence upon minds like yours.

Gentlemen : There may have arisen prejudices in this, as there do arise prejudices in many causes. Undoubtedly, this is not the first time that this matter has been the subject of conversation and discourse ; probably it is not the first time that even you, who are impanelled to try the cause, may have heard of it.—It is my duty to my Client, it is my duty to the Public likewise, if there should have been any such conversation about this prosecution, to remove all those prejudices—to remove all the impressions that may have been received, not only from your minds, were it possible you could have received them, but from all those that stand around. I say it is important to my Client, and it is important

tant to the cause of public justice, that I should endeavour to remove them.

Gentlemen : I beg leave to state to you, in the temperate spirit which I have professed, that this is not a question, in which the general religious establishment of the Country is at all involved. This is a question, I can assure you, which is confined to the individuals who appear upon this record. It reaches no further than their conduct, on the particular occasion. It is a question which cannot, I am sure, have the least effect to the prejudice of that doctrine, or to the prejudice of that rank and situation in the State which is so important to the well-being of Society, which is so essential to bind together and to sustain those principles which tend not only to our happiness hereafter, but to the good government of the world in which we now live. I pledge myself, then, that when you come to hear this case, you will find that the facts I shall prove are confined singly and solely to the parties named in this indictment.

Gentlemen : There is another circumstance to which I could wish to call your attention, before I enter into the merits of this case, namely, that although a Church Dignitary stands in the front of those indicted, that is no reason whatever why this indictment should not have been preferred ; for if the facts, which I have to state to you, and which I shall afterwards prove to you ; if the principles of law which, under his Lordship's direction, I shall have the honour to lay down to you, are correct, you will find that the public justice must be satisfied by a verdict of guilty, notwithstanding the rank and situation of the first individual who is indicted.

It is a painful thing to me, not only on account of his rank and his situation, as a Bishop of the Church and as a Peer of Parliament, to address you upon a subject of this sort ; but it is more so

when I consider, that, in the intercourse of my professional life, I have had frequent occasion to see that person discharging duties in another place, in a judicial and legislative capacity : I have often had the honour, and I will say too the satisfaction, to address him in that station. Gentlemen, I can assure you that I speak with no personal feelings against the Bishop ; they are all naturally on the other side. But what is more, I can assure you that my instructions are, to conduct this cause in a pure spirit of temper and moderation, such as I have already described to you.

Gentlemen: This is not the only time that dignitaries of the church have been indicted, and found guilty. Gentlemen, you have but to look back to the bead-roll of the state trials, and you will find many instances of the sort. You have but to reflect a few years back, to the situation of this court, when a person, upon an indictment, removed in the same manner, though not a bishop, yet a dignitary in the church, was brought into this court, for reasons similar to those which bring you now here to try this indictment. They who heard my learned friend * upon that occasion, they who have read the history of that period, cannot forget the uninterrupted stream of splendid eloquence and of powerful ability, which has been rolling on, with encreasing force, from that period to the present moment, which was then almost in its infancy, exerted in a question similar to that in which I have now the honour to address you. Not similar in one respect, I admit, because he at that time stood as he now does not, for the Defendant ; but similar in this respect, that it shews you that there was, within our own memory, in this very place, a prosecution of a church dignitary for a misdemeanor, as there is upon the present occasion.

* Mr. Erskine.

Gentlemen,

Gentlemen : I will state plainly why this question is tried, and why you are called to deliver a verdict upon it. It is in the first place upon the principles of public justice, in order that the justice of the country may be satisfied. The prosecution is likewise proceeded in, on another principle, which I am sure I am warranted by the law of the land to state as a sound principle : it is founded in an honest, fair, justifiable attempt, upon the part of this Prosecutor, to vindicate his own character through the medium of this prosecution. I say, when I assert that to you, I state a legitimate ground of prosecution, and one that is consistent with the laws of the country : for it is in the power of any individual to use the name of His Majesty for the purposes of public justice, aye and for the purpose of vindicating his own character and reputation. That is done every day in the case of libel, and may equally be done in the case of assault or riot.

The situation of this Prosecutor was, and is, that of a person, who, by industry in his profession, and by industry in the different situations which he held in the part of the country where this offence was committed, gained to himself a livelihood. He found himself at once in the eye of that Public where he lives, in the circle of that community and society to which he belongs (if he did not take some method of bringing this matter forward to the public observation of the country, and of bringing these Defendants forward to receive the public justice of the country) in the risk of being, in all probability, deprived of the honest earnings of his industry, and of the situations which he held for the benefit of himself and the support of his family. — These are the principles upon which this prosecution is brought forward ; these are the principles which do not at all involve any thing of a vindictive spirit in them ; they are principles upon which
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every honest man daily acts; they are principles upon which every honest man may legally act. Who could have blamed Mr. Grindley if he had brought an action of damages against the Bishop, for the injury he has suffered? What is the situation in which he stands here — not bringing an action for damages indeed, but preferring an indictment? And I will venture to say, that, under the circumstances of this crime, and agreeably to the matter charged in this indictment, a prosecution leaves the Defendants more ample means, and a better mode, of defending themselves, than if an action had been brought, and they had been put to plead a justification to that action. These are the points to which I wish to call your attention, in order that your minds may come coolly, deliberately, and without prejudice, to the trial of this cause.

Gentlemen: The indictment, as you have heard, states, that the parties upon this record were guilty of a riot, by entering into, and doing certain acts in the office which belonged to the Prosecutor, as Deputy Registrar of the Diocese of Bangor. It states nothing but a riot. There is no count in this indictment singly for a common assault, although it is the common mode, in drawing indictments of this sort, to conclude with the charge of a common assault, with a view of securing a verdict, in case the facts should not come up to the proof of a riot. I wish to call your attention particularly to this, because it shews, there was no spirit to catch, by a hair, these parties, for conduct, which if it does not amount to a riot, is not the subject of which this Prosecutor means to complain.

It is necessary for me (and I shall do it very shortly indeed, before I enter into the state of facts which I must lay before you) to explain the law upon the subject of riot. There are various offences which people commit, congregated together, which receive different denominations in law,

law, from the simple offence of an affray, up to that of a riot; which it may be well for you to know, in order that you may be able to apply the evidence when you come to hear it. The case of an affray, is a matter which arises accidentally, without any premeditation or intent. The next in order, is an unlawful assembly: That offence consists in persons assembling together, to do some act respecting private property (not concerning the affairs of the public) and separating without doing any act whatever. There is another case, commonly denominated a rout, which is, advancing towards the act, without arriving at it. The highest in order, is a riot; in which there must be these ingredients: In the first place, there must be three or more persons engaged in it; in the next place, there must be an intent and purpose in the parties to commit a riot; and in the third place, it is essential that it should have for its object some matter of private concern. When you come to hear the evidence, you will always bear this definition in your mind; which I am satisfied my learned friend will not contradict, and I am equally satisfied my Lord will support me in, when he comes to address you.

I pledge myself, then, to prove, that the Bishop of Bangor, and the other Defendants upon this record, were guilty of that which I have last described—that there were three or more of them—that they committed a riot, in a matter respecting private property, and that they had an original intent and purpose in the act which they did. With regard to the intent and purpose, you will always observe this—that, intent and purpose may either arise from the facts and circumstances that exist at the time of the transaction, which by inference establish a necessary presumption of an original intent; or, it may be made still more palpable to you, by shewing a line and tissue of conduct which necessarily

rily involves that intent and purpose, and therefore renders presumption unnecessary, by giving you clear, demonstrative, decided proof, arising from the acts and transactions of the parties establishing a premeditated design, intent, and purpose, in the acts which they did. You will find that this last observation will apply, most materially and forcibly, to the evidence I am about to lay before you, and the circumstances I am about to recite.

I profess, Gentlemen, again and again, that I have no object in view, but making you understand this case; and if, in the course of my address to you, I either elevate my voice, or give into a manner of action that is contrary to the utmost moderation, I trust you will attribute it to habit, and not to intention.—I have no wish but coolly, deliberately, and calmly, to make you masters of the facts, the circumstances, and principles, upon which this important cause must be decided.

Gentlemen: I have already stated to you, that the Prosecutor of this cause was Deputy Registrar of the consistorial Court of the diocese of Bangor.—It is essentially necessary that I should make you acquainted with the nature of that office; and not only that you should become acquainted with the nature of the offices of Registrar and Deputy Registrar, generally, but that you should likewise be made acquainted with the particular circumstances and local situation of the Prosecutor and his office.

The Deputy Registrar is appointed by the Principal Registrar.—The general nature of the office of Registrar is, that he has the custody of all the archives and muniments that relate to the spiritual court of the diocese; that is, he is to register all the acts of a juridical nature; and he is besides *that*, the Registrar of all the wills and testaments of the persons who die within the diocese. So that, you observe

serve, it is an office of great importance, and extending to the interest and property of a vast portion of the community; that it is an office, where the safe custody of the different archives and muniments is of the utmost consequence.—Certainly, according to the law of the land—according to decided cases to which, if it is necessary, I can refer his Lordship, it is competent to appoint a minor to the situation of Registrar; and accordingly, the present Bishop of Bangor, upon the resignation of the former Principal Registrar, did appoint a Nephew of his, a minor, to be Principal Registrar.—As it is competent to the Bishop to appoint a minor to be Principal Registrar, so it is equally competent that that minor should, by some mode, appoint a Deputy.

The reason why a minor can, in this case, deviate from the general rule of law, and do an act appointing a Deputy, is, because it follows, from necessity, that the business of the office of Registrar must be discharged. If the minor could not appoint, of course the duties of the office could not be discharged, and therefore, *ex necessitate rei*, from the necessity of the case, the minor is at liberty to appoint a deputy. But the power of the minor goes no further—there the law stops. The general rule of law is, that a minor can do no act—that he has no will, because he is not supposed to have understanding to act for himself. The exception, in this particular case, is, that the minor does act for the purpose of appointing his deputy; but the necessity goes no further. I have it in my power to state to you, from a very recent decision, as well as from the very nature of the thing itself, that this Registrar cannot remove his Deputy; for in this very case an application was made to the Court of King's Bench (and though this may be tedious, it is an important part of this business) an application was made to the Court of King's Bench for a

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mandamus,

mandamus, calling upon the present Prosecutor, Mr. Grindley, to deliver over to a person, of the name of Roberts, all the muniments within his power, and to deliver up to him likewise the keys of his office, and thereby give him possession of the place where the business is conducted, and where the muniments are preserved.—The result of that application, for the order of the Court to compel this to be done, was, that it was denied by the Court; and I have the authority to say, from those who heard it, that the ground upon which it was denied was this: My Lord Kenyon was of opinion, that it was essentially necessary to apply to the Court of Chancery, to appoint a proper guardian for the minor, that there might be sufficient authority to appoint another Deputy Registrar in the stead of Mr. Grindley; but that he, being in possession of this office, and Mr. Roberts not shewing a right to the possession of the office, it was impossible for the court to grant the order applied for.

I have then established clearly, in the first place, that Mr. Grindley was in possession of the office; In the next place, that there was no legal power to remove him. Consequently, although from necessity, the minor may appoint in the first instance, yet, if the office of Deputy Registrar is properly discharged, that necessity not existing for the removal, the Deputy Registrar must remain until the Principal arrives at the years of majority; or until he has such a guardian appointed by the Court of Chancery, as is capable of acting in such a subject matter.

Gentlemen: There is one other circumstance I wish to state respecting the law upon this subject—Namely, That where a Registrar is appointed by the Bishop, and a Deputy appointed by the Registrar, and the Principal Registrar is a person not in a situation to act, that there is no power and authority, on the part of the Bishop, to remove the Deputy Registrar.

Registrar. The Bishop, by law, has no power or authority whatever to remove the Registrar or Deputy Registrar, except in the following manner. If the Registrar, or his Deputy, does any act or acts which are, in their nature, contrary to law, if they do not act consistently with the duties of their office, then in that case, undoubtedly, the Bishop may suspend, but his suspension is confined to 'a year or more;' and it has been decided, that the words, 'or more,' do not extend indefinitely to any period, but must be confined to a reasonable period subsequent to the year. Gentlemen, I beg you will bear this position of law in your mind, because you will find, throughout the whole of this cause, that the Bishop has had no fault whatever to find with Mr. Grindley, in the discharge of the duties of his office; for he has never thought him amenable to his jurisdiction for the purposes of suspension; that he must have conceived, therefore, that in the discharge of the duties of his office, he has acted like an honest, faithful guardian of his public trust. If he had not done so, would not this Bishop, who, as I shall prove hereafter, attempted first by art, and afterwards by force, to remove him from that situation, would he not have made use of his suspending power? Would he not, near the period of the Minor Registrar coming of age—which would have been in less than a year from these transactions—would he not, I say, have suspended him for a year or more, in order that the trust might not have been discharged improperly? by which means, the minor, when he arrived at that age of twenty-one, when he would have the free exercise of his own will, might, according to law, have exercised the power of motion over his Deputy at his pleasure, without assigning any cause whatever for the removal.

Gentlemen: It is material, in the discussion of this cause, and most material to your understanding the evidence,

evidence, that you should know the particular situation of the office; I mean the local situation of the place in which the muniments and records are kept. It is, as I understand, built adjoining to and upon the cathedral church of Bangor: there is a flight of steps rising to it, and you go through a porch, on which there is an outer door. Having got within the porch, there is an inner door opens to the registrar-office; the office is directly opposite to the Bishop's palace; there is nothing but a court yard between them; and it is so near, that every voice perhaps may be heard from the one place to the other; of that however, I am by no means certain, but it certainly is within sight of the Bishop's palace, adjoining to and built upon the cathedral.

I have stated the duties of this office; I have shewn you that they are grave and serious duties: I have stated the responsibilities of this office; I have shewn they are grave and serious responsibilities: I have stated the nature of the muniments kept in this office, and the place in which they are kept: And I contend, I think, without the hazard of contradiction by my learned friends, that the person who was thus appointed Deputy Registrar, was irremoveable, except by the mode of suspension by the Bishop, in the manner I have mentioned. He was not removeable by the minor, but through the medium of a guardian, which guardian must be appointed by the Court of Chancery. The Deputy Registrar, thus invested with this office, so charged with those duties, and these responsibilities, had as good a right and title to possess that office—to possess the house or place which I have described, to maintain it, to take it again if it was taken from him, and to defend himself in it, as any Englishman has to defend his house, which is emphatically denominated his castle. It is impossible to compare it more accurately. All the circumstances that belong to the sanctuary of an house, belong to the sanctuary

sanctuary of this office. The sanctuary of our house is for our repose, quiet, and security; it is, that we may protect our families: the sanctuary of this office is not that the family of an individual may be protected, but is for the protection of the interests of an extensive community; it is, that all the devises of personal estates, that all the records in the office of a legal and a judicial nature, that all the interests of a large and important diocese, may be protected. Then, all the arguments for a man's maintaining and defending the possession of his house, apply infinitely stronger to an office charged with such responsibilities. It is impossible that he can secure, it is impossible that he can maintain that, which is essential for him to justify his conduct towards the public, without maintaining possession of the building, where these things are preserved; and every person who attempts to trespass upon it, is a trespasser in the eye of the law; every person who makes a riot in it, is amenable to the justice of his country.

I have described the situation of this office; it is built adjoining to the cathedral; the wall of it runs into the wall of the cathedral.—I have described the nature of it; it is a spiritual office.—Is it possible that any thing can amount more nearly to the description, which the great Roman orator gave as the definition of a house: “*Quid enim sanctius, quid omni religione munitius, quam domus unius, cujusque civis?*” What can be more holy? What can be more protected by every principle of religion?—This is a spiritual office—this is a spiritual office carried on in a building annexed, in local situation, to the cathedral church. Thus annexed by duty, and annexed by situation, it falls in precisely with the comparison I have made; and shews you, that this gentleman, Mr. Grindley, was bound, for his own sake, for the sake of the public, with whose interests he was intrusted—for the sake of the community

munity of the diocese to which he belonged—by the sacred situation of the place of office, to possess, and protect his possession in it, that the muniments and the archives might be preserved.

Gentlemen: I am sorry I have detained you so long in the preliminary part of this case, I hope, however, I have not wandered, but have confined myself accurately to the question before you. I think I have done no more than laid that ground, which is necessary for your understanding the facts. And I now come to state to you, precisely and accurately, what the nature of these facts is. I told you, originally, that I aim only at distinctness. If I have that quality, I have every thing I can wish. In order to be distinct, and in order to shew you with what mind and intent this riot was committed, I anxiously entreat your attention to the commencement of the connexion between Mr. Grindley and the Bishop of Bangor.

Early in the year 1792, Mr. Grindley was appointed Agent for the Bishop of Bangor. In the month of February of that year, the Bishop appointed his Nephew, a minor, to the situation of Registrar of the consistorial court of the diocese. In the month of March 1792, Mr. Grindley was appointed Deputy Registrar. He continued to act in the situation of Deputy Registrar, down to the year 1794, when, for the first time, he saw the minor, who confirmed the appointment, and who treated him as his Deputy Registrar. The bargain was, that Mr. Grindley was to pay his Principal seventy pounds a year. He discharged the regular payments. He continued to act in his office, without any offence to the Bishop; and that he had committed no offence in his office is clear, otherwise he, the Bishop, must have suspended him. He continued, I say, to act in the discharge of the duties of his office, down to the autumn of 1795. Here

Here then begins the history which gives origin to this prosecution.

The approach of the general election led the Bishop of Bangor to think, that he might, perhaps, be serviceable to some of his friends; and he thought those immediately under him were likely to be influenced by him. He applied to Mr. Grindley, for his interest in the county of Caernarvon. His application did not meet with the reception, or with the answer, he expected. Mr. Grindley thought, as I hope every Englishman thinks, that he had a right to the free exercise of his franchise, and the free exercise of his influence; but although he thought so, I can assure you that he behaved with great temper and moderation. Mr. Grindley now found, that his connection with the Bishop became a connexion that was not so comfortable, if they were not to agree in their election interests; he thought it right, therefore, to resign the office of Agent to the Bishop; and he accordingly resigned his place of Agent in the month of January. At the time he did so, he signified expressly, that on the 22d of February he would resign the office of Deputy Registrar. Now could any thing be more moderate?—You may perhaps ask, why he did not resign the office of Deputy Registrar at the time he resigned the situation of Agent? The reason he assigned was this, and it is a valid and substantial reason—that his year of appointment as Registrar ended upon the 22d of February 1796; that by retaining the office till that time, he should be enabled to make up his accounts, to settle all his business, and then he would quietly take his departure from it.—Could any thing be more moderate, could any thing more be wished for by the Bishop? If this Registrar had become obnoxious to him, because he did not obey him in matters with which the Bishop, I must say, ought to have had no interference, either as a Bishop or as a lord of parliament; if he wished to get rid
of

of Mr. Grindley, might he not have had that patience which ought peculiarly to belong to the character of those, who appear as Defendants upon this indictment? Might he not have had patience for but a little month, till the Deputy Registrar voluntarily resigned his office? There is something in this conduct of the Bishop, which it is almost impossible to account for, unless one were to dive into those speculations, which have led one to know what the motives, and what the feelings of men are, in different situations of life, and in different characters in society.

I recollect a very profound and a very wise saying, equally true as wise, with respect to the Clergy. It was said of them, "That they had found, what Archimedes only wanted, another world, on which to fix their fulcrum, by which they moved this world at their pleasure."—That saying will go far to expound this conduct. In all spiritual matters, it is a wise, a just, a true maxim, calculated to shew the true principles upon which the Clergy possess, and truly and justly, and eminently and beneficially to the society in which we live, possess that influence upon mankind, which ought to belong to their character and situation in all spiritual affairs. But when they travel from spiritual to temporal concerns—when they quit the affairs of the other, and look only to the concerns of this world; when they interfere in politics above, or in elections below, then that character, which directs their influence in the clerical function, unfortunately follows them into their temporal concerns. If they are disappointed, they cannot brook it. They have been taught to regard mankind as persons whom they are to govern at their pleasure—they are incapable of smoothing the matter over, as men, more accustomed to the ordinary concerns of life, are; and their spiritual power uniformly follows them into temporal concerns, if they are imprudent enough

enough to mix in them.—This is vouched by the history of the world, in all ages; it is vouched peculiarly by the history of this country.—Who ever heard of Sherlock or Lowth interfering in such matters? No! They were enabled to move this world at their pleasure, because their lives were spiritual and holy.—Who has not heard that Woolsey and Laud were of a different character and description? The *Ego et Rex meus* of Woolsey, and the violence of Laud, against the privileges of the people of England, are equally to be collected from that witty, wise, and just maxim to which I have alluded. Such is the situation of the persons concerned.—Gentlemen: It does not signify whether the scene is in the world at large, or in the county of Carnarvon; whether it is transacted in the palace of Whitehall, or in the church-yard of Bangor. The same causes, in the hand of the Supreme Being, directing this world to its good, will always produce the same effects; and I cannot account for the Bishop not having accepted of this moderate, of this attentive, of this happy proposition (I might almost say, if it had been accepted) of the Deputy Registrar, but that he had deviated, from what he does not, I am sure, often deviate from,—from spiritual to temporal concerns;—that he had forgot the concerns of that pure and humble religion, of which he is an eminent pastor, and that he had been drawn aside by the peculiar interests of friendship, by the strong ties of connexion, or by something else, in order to act in the manner which I have described to you.

In fact, the resignation has not been made at all; and the transactions, which I am about to relate, will prove the reasons why it has not been made; will prove, that it was not possible to have been made with safety. Mr. Grindley found, the Bishop had become hostile to him; he found, he was no longer safe in resigning it into hands, that

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could

could not legally accept the resignation; he found, he could not have that confidence, which would have taken place, if it had been left to his own freedom and choice; and that, after he had resigned into the hands of a minor, he would, in point of law, have retained all the responsibilities of the office, without being, in fact, in the office, to discharge the duties:—Therefore it is, he has not resigned the office. But the transaction which I am about to state to you, and I am now come to the real question in this cause (though I humbly think, under his Lordship's direction, that nothing I have said is irrelevant to the cause) the transaction I am about to state to you, will unfold the whole.

Between the fourth and the eighth of January, 1796, which you see was a month previous to the term of the proposed resignation, these transactions took place.—First of all, the Bishop, in the absence of Mr. Grindley the Deputy Registrar, sent for the seals; and he obtained one seal. I think the other seal Mr. Grindley's clerk had not in his possession, and it was not delivered.—This was intimated to Mr. Grindley; and Mr. Grindley imagining that the Bishop, having obtained one seal, might possibly attempt to obtain the keys, he therefore, being at that time in Anglesey, wrote to his clerk to beware not to give the Bishop the key of the office if he asked for it. The Bishop did ask for it; and was refused.—Upon the 7th of January Mr. Grindley returned. He found that his office had been broken into. He ascertained, as I shall prove, from the Bishop's own mouth, that the Bishop had given directions to break open the window of the office, to take the locks off the door, and put on other locks.—In this situation Mr. Grindley found himself, respecting an office, for the duties of which he was legally responsible; for he is, both in law and in fact, Deputy Registrar, and has been so from the year 1792,
down

down to the present time, without any attempt to cast a slur on his character in the discharge of his duties.

Gentlemen: I come now to the principal facts; and I can assure you I will act in the spirit which I professed at the outset. I wish to state every thing candidly to you; I have nothing to hold back. I do not mean to say that, upon every occasion, it is possible to justify persons in their transactions for moderation and for prudence; and yet I think, when you examine the transactions of Mr. Grindley, you will see, under all the circumstances, that they were neither immoderate nor imprudent.—Mr. Grindley's offer of resignation had been scoffed at, had been rejected. He had been treated in such a way as to make it natural to suppose that he would be exposed as a culprit, in the discharge of his duty, to the whole community to which that duty appertains. He found, that it was essentially necessary for him to know in what state the muniments and archives, which he alone had a right to the possession of, were.—He found the means of entrance debarred, and therefore he determined to get admission to the office; and having got admission to the office, he determined to maintain himself in the possession of it; as he had a right to do.

In the morning of the 8th of January, Mr. Grindley went to the office, with the means of getting admittance into it.—You will observe, that the first attempt to get possession of the office had been on the part of the Bishop. You will always recollect, that the Bishop has no earthly right to the possession of the muniments of that office, as long as the Registrar properly discharges the duty of the office. He has no right to keep the Registrar out of his office, but the Registrar has a right to keep all mankind, except those who come upon business, out of the office, and except the Bishop when he comes in the discharge of his duty as

Bishop of Bangor.—Mr. Grindley imagined, from the violence that had taken place before, that is to say, from the violent breaking into the office originally, and from the offer of compromise on his part being totally rejected, from his offer of resignation being rejected, he imagined, and it was natural so to imagine, that he would have force opposed to force, when he once got possession of his office, and therefore, undoubtedly, Mr. Grindley went provided, so as to secure himself against the possibility of that force depriving him of his office.—Gentlemen: I insist, that when he was in possession of his office, he had a right so to do. All this will be proved—I say it will be proved; because I know Mr. Grindley, who is the first witness, is a person beyond the suspicion of not acting agreeable to his oath.—The oath is, “that he shall speak the truth, the whole truth, and nothing but the truth.”—It has been uniformly expounded, that a person, who does not speak the whole truth in a court of justice, is as criminal as he who speaks a direct falsehood.—I feel myself bound in duty and in conscience, as an advocate, to state to you the whole truth; and Mr. Grindley is a man of that conscience, that he will speak the whole truth in the manner in which the thing happened.—It will then be for you to judge, under all the circumstances: And I think that, whatever opinion you may form with regard to Mr. Grindley's rashness in his manner of getting possession of the office, and his determination to maintain possession of it, that you will be convinced, that the Bishop and those indicted, were in fact guilty of a riot, for endeavouring to get possession of it, and coming and interrupting him in the manner I shall describe and prove.

Mr. Grindley went with pistols in his pocket; but it will be proved, these pistols were unloaded.—Now I can assure my Friends (whatever gestures they may make) that I am not in the least afraid
of

of this fact.—I say, his going with unloaded pistols, proves, that he had, in regard to getting possession of the office, no intent of offence whatever.—He took powder and shot, with which, when he got possession, he loaded his pistols. This proves that he was determined, being in peaceable possession of his office, to maintain that possession; and I contend, that the Deputy Registrar of the diocese, under the circumstances I state, had a right so to do.—I say, that every argument, every fact which applies to the case of a man's own house being his castle, applies to this case—Mr. Grindley, after he had opened the outer door in the porch, in order to prevent any riot, and for the purpose of intimidation, threatened one of the persons who came from the Bishop's house to interrupt him, with an unloaded pistol; for it will be proved, that the pistols were loaded at a subsequent time. After this first attempt to disturb him, there was a considerable interval; and during this interval Mr. Grindley got into the inner door. Mr. Grindley being thus in the office, the Bishop and various of his servants arrived. The Bishop hollowed with a voice so loud (as will be proved to you) that Mr. Grindley did not know it; his passion was so vehement, that it was absolutely impossible to distinguish his voice. The moment Mr. Grindley knew it was the Bishop, he said he had no objection to the Bishop's being let in, and he desired his servants quietly and peaceably to retire to a further corner of the room. Mr. Grindley then came forward, and said, that whatever business was to be done, he was ready to do it; that he considered himself as the legal officer, and he was then in the quiet possession of his office; that with regard to his Lordship, he was perfectly willing he should come into the office, but he begged that his Lordship's boisterous and tumultuous conduct might cease.—I really wish, rather that the witnesses should describe what passed afterwards, than that I should.—But instead of that tumultuous conduct ceasing, the Bishop approached

preached first to Mr. Grindley, afterwards to his servants, with threatening gestures, and with threatening words, laying his hands upon them; and he was assisted by the four other persons indicted, who afterwards came into the office, whose actions and words were precisely of the same kind and description.

Gentlemen: One of the grounds of riot which you have to try, is this, That here was a person, legally entitled to the possession of his office, illegally forced from that office; he takes possession of this office, and remains in the quiet possession of it. Now, whether he did so in a manner that a perfectly calm and unconcerned spectator may approve of, as an abstract case, I do not know; but I am addressing myself to persons who have human passions; I am addressing myself to Gentlemen, who know what human nature is; and I am sure, that in an outrage of this sort, committed after a voluntary offer of resignation, such as I have stated; after a conduct so peaceable and quiet, even a worm, if trod upon, would have turned again.—Mr. Grindley gets quietly into the possession of his office, and then, after a lapse of time, this office is again attacked in the riotous, in the tumultuous, in the extraordinary manner, which the witnesses will state, but which I forbear detailing, because, in the first place, it is unnecessary for your understanding the cause, and in the next place, it is painful for me to state it. This disturbance went on a considerable time, and at last it ended only by persons, whose sex and character I have too great a respect for, to introduce them into this cause, more than just to say, that by the intervention of Mrs. Warren and two ladies, the Bishop was at last quieted from his passion, and withdrawn from the riot. There the business ended. Gentlemen:—This is the cause which you have to try; and I think I can venture to say, that if the facts are proved in the manner I have described, and

and I take upon me to say I have stated them most correctly, that it is impossible for you not to find a verdict for the Prosecutor.

Gentlemen: It would be in vain, and an absurd thing in me, to detain you with any particular address to yourselves. I have the honour of knowing hardly any of you personally, although among the Jury there are some gentlemen whom I have had an opportunity of seeing in another scene in life. I know your characters; and I know, that however you may feel yourselves bound to protect the Ministers of our Church, though I think this prosecution can have no effect upon any but the particular Churchmen engaged in this transaction, that you will yet guard yourselves against deviating from those principles, according to which you are bound to act, and that you will find according to the evidence.

Gentlemen: There is no principle implanted in the human mind, stronger than the sympathy which we feel for the situation and sufferings of persons of high rank and condition: it is one of those principles that binds society together; and is most admirably infused into our nature, for the purposes of good government, and the well-being of civil order. But whatever the rank may be, that rank can never stand between a defendant and the proof of the fact, with a Jury of Englishmen. They know their duty too well: neither compassion, sympathy, nor any other principle, can possibly affect their minds. Consider, what is the peculiar situation of these Defendants; reflect, that they are set apart by the laws of the land, and the regulations of the Christian religion, for the purpose of preaching the doctrines of Christ. Our law has been so peculiarly cautious with respect to their character, that even when it impowers the civil magistrate to quell a riot by calling to his assistance every other member of the community, it peculiarly excepts, with women and children, the clergy. I have brought before you persons of that description, who
instead

instead of claiming an exemption from being called upon, have themselves been guilty of a riot; for which they are justly amenable to the laws of their country.

[The Witnesses were examined apart at Mr. Erskine's request.]

Evidence for the Prosecution.

Mr. SAMUEL GRINDLEY (sworn.)

Examined by Mr. Manley.

Q. Were you, at any time, and when, appointed agent to the Bishop of Bangor?

A. I was.

Q. When?

A. In the month of February, 1792.

Q. Were you, at any time after that, appointed to any other office?

A. About the same time.

Mr. Erskine. That must be proved by the appointment itself.

Mr. Manley. Did you, in point of fact, fill any other office than that of agent, under the Bishop of Bangor?

A. Yes, I did.

Q. What was *that*?

A. Not under the Bishop—under Mr. Gunning I held the office of Deputy Registrar.

Q. When did you first begin to hold that office?

A. About the 14th or 15th of February, 1792.

Q. Did you continue to discharge the duties of that office?

A. I

A. I continued to discharge the duties of that office till the 22d of February last.

Q. Where did you discharge that office?

A. At the Registrar's office, adjoining to the cathedral church at Bangor, in the county of Carnarvon.

Q. You said you were appointed Deputy to Mr. Gunning?

Mr. Plumer. He did not say *that*.

Mr. Manley. You acted in the office?

A. Yes.

Q. Did you ever see Mr. Gunning after *that*?

A. Yes, the latter end of September, or the beginning of October, 1794.

Mr. Plumer. Which Mr. Gunning?

A. The Registrar.

Mr. Manley. Had you any conversation with him?

Mr. Erskine. Any conversation with him?

Mr. Manley. Did you pay any money to the Registrar?

A. Not to himself.

Q. Did you pay any upon his account?

A. I paid to the Bishop of Bangor, on the Registrar's account——

Mr. Erskine. I am sorry to trouble your Lordship—I do not know that it is very material that I should do, what I am about to do; but we ought to adhere to the rules of evidence.

Mr. Manley. I will put it out of all question—In whose name was the office of Registrar held?

Mr. Justice Heath. Ask him who was in possession of the office of Registrar?

A. Mr. Gunning, a minor.

Mr. Manley. You paid seventy pounds a year to the Bishop, on account of Mr. Gunning the younger?

A. Yes.

Q. Did the Bishop know you paid him that sum on account of Mr. Gunning the younger?

A. Yes.

Mr. Erskine. Mr. Manley ought to recollect there are other defendants upon this record, besides the Bishop of Bangor—if you would prove that this man was in possession of the office, be it so, I have no objection to *that*; but you cannot go on further than *that*, to prove that he had the legal appointment of Registrar.

Mr. Manley. You said the Bishop made the bargain between you and Mr. Gunning, respecting the Registrarship?

A. He did.

Q. What was the bargain between you and the Bishop?

A. The Registrar before Mr. Gunning, it was thought, gave a hundred pounds a year: I mean was paid a hundred pounds a year.

Q. What were you to pay?

A. Seventy pounds a year to the Registrar.

Q. In consequence of that bargain, did you enter upon your office as Deputy?

A. Certainly.

Q. Did you fill that office up to the 22d of February last.

A. I did.

Q. Did you continue to pay that salary, seventy pounds a year, from the time of your becoming Deputy?

A. I did, till the 22d of February last, and then I offered

I offered to pay that to any person who could receive it.

Q. Did you afterwards see Mr. Gunning, the Registrar?

A. Yes.

Q. Had you any conversation with him?

Mr. Erskine. Conversation with him—why don't you call him?

Mr. Manley. Was it in the Bishop's presence?

A. Yes.

Q. When was it?

A. I think in the latter end of September 1794, or the beginning of October.

Q. Relate what passed between you and Mr. Gunning, in the presence of the Bishop?

A. The Bishop brought Mr. Gunning to me, and told me he was his nephew, the Principal Registrar, and introduced him to me as the Principal Registrar, and introduced me to Mr. Gunning as his Deputy. Of course, I had some conversation with the Registrar; he was then of about the age of seventeen; I asked him if I gave satisfaction; he said, I pleased his uncle, the Bishop; that the Bishop was satisfied, and of course he was perfectly satisfied.

Q. Was there any complaint of your not doing the duties of your office at any time?

A. None, that ever I knew of.

Q. Had you any complaint from the Bishop, or any person?

A. Nobody laid that to my charge.—I said, I paid what is called, the farming of the office, to the Bishop; he said, I know you do—I hope the office answers your expectation.

Q. In the year 1795, had you any conversation with the Bishop respecting the approaching election?

Mr. Erskine. Can this possibly have any relation to the question—I object to it as totally irrelevant.

Mr. Manley. I am asking the Witness to state what passed between the Bishop and him, relative to the election, to shew the motive upon which the Bishop afterwards acted.

Mr. Erskine. Your insisting upon the question, shews the motive of the prosecution pretty evidently.—We are here upon an indictment for a riot, which is charged to have been committed upon the 8th of January, in the year 1796. For the purpose of doing that, which my learned friend most honourably and candidly disavows, for the purpose of throwing dirt at the Bishop, we are to begin about something that passed relative to the election.

Mr. Justice Heath. All this is matter of aggravation; and matter of aggravation ought to be laid before the Court of King's Bench—let us see whether improper force has been used in the course of this business, so as to constitute a riot—this is for the consideration of the Court, who is to pronounce sentence, in case of a conviction.

Mr. Manley. Be so good as to describe the situation of the place in which you conducted the business of the Registrar's office?

A. The Registrar's office is a building adjoining to the cathedral church at Bangor, under the chapter house, opposite the Bishop's palace.

Q. How far distant from the palace?

A. About 150 yards distant—there is a flight of steps by which you ascend to the outer door of the office—then you go into a passage, which they commonly call the hall.

Q. Did you employ your clerks in that office?

A. Always.

Q. Who had the keys of that office?

A. Generally the clerk that was there.

Q. Your

Q. Your clerk?

A. Yes.

Q. Did you pay that clerk?

A. Always—I had a resident clerk there, and used to send other clerks to his assistance—I superintended the business myself.

Q. You had a resident clerk there, to whom you entrusted the key?

A. Yes.

Q. Had you made any offer, or did any conversation pass between you and the bishop, touching the resignation of your office of agent?

A. I had.

Mr. Erskine. This is totally irrelevant.

Mr. Justice Heath. The question we have to try here, is the degree of force and violence.

A. It was my intention to resign it on the 22d of February.

Mr. Manley. If we are to go by the strict rule, I take it to be the clearest principle of law that can possibly be stated in a Court of Justice, that I have a right, as Counsel for a Prosecutor, if I insist upon it, to state every fact that is relevant to the cause, though perhaps, for the sake of the convenience of the Court, it has been usual to state matter of aggravation only by affidavit: but if I insist upon it, I take it to be a clear, settled principle of law, that I have a right to state it; but I do admit that it has been the usual practice, and of late years, within the reign of the last Chief Justice of England, it has been usual to state *that* by affidavit; but I believe the principle was never denied, that the party had a right, if he chose so to do, to have every fact in evidence before the Court that is relevant to the cause: but I do not insist upon it here. I merely mean now to ask one or two simple questions touching

ing the resignation of this office, which appear to me material to this cause.

Mr. Erskine. I have no right, undoubtedly, to call upon the Prosecutor's Counsel to state the course of their projected examination—my office is confined to taking an objection to any question, that I humbly think is illegal. I agree with Mr. Manley, and do not wish to bind him down by the practice of this or that Chief Justice; I ask no other limitation to him than the law of the land prescribes at all times. I admit, that it is open to Mr. Manley, without asking your Lordship's leave.—That your Lordship's jurisdiction does not extend to estopping him from asking questions to any fact that is relevant to the Cause—Then, what is the Cause?—The Cause is not, whether this man had legal possession of the office, or whether he by force had possession of the office.—whether the Bishop of Bangor came into this office upon a legal or an illegal project.—The question is not, *quo animo* the Bishop came into this office, but whether he came, attended with those circumstances, and did those acts charged upon this record, and which constitute a riot? That is the matter I came to defend. I do not know, except hearing from my learned friend, nor ever troubled myself to enquire, whether this man had any other collateral character than of agent to the Bishop.

Mr. Manley. I abandoned the agency long ago.

Mr. Erskine. Is there any question before the Court?

Mr. Manley. The question which I was about to ask the witness was, whether he ever made any offer to resign the office of Deputy Registrar.—Did you ever make an offer to the Bishop, to resign the office of Deputy Registrar?

A. I said I would resign on the 22d of February last.

Q. When was it you told the Bishop that you should then resign?

Mr.

Mr. Erskine. Was it not in writing that you made that offer to the Bishop?

A. I am not clear whether it was in writing, or verbally.—I resigned my agency in writing, but I am not positive as to the other.

Mr. Erskine. I am positive, for I have got the letter.

Mr. Manley. You did, in point of fact, tell him you meant to resign on the 22d of February?

A. Undoubtedly.

Q. Where were you on the 4th of January last?

A. At Lord Newburgh's.

Q. While you were there, did any thing happen?

A. I was sent for by Lord Newburgh upon some private business. I desired my servant to bring my letters after me that came by that day's post.

Q. In consequence of letters received there, did you return to Bangor?

A. No, I was not at Bangor till the 7th.

Q. When you returned there on the 7th, had any thing happened at the office?

A. Yes; the office had been broke into.

Q. Do you happen to know, from conversation with the Bishop afterwards, who had broke the office?

A. Yes, and from others.

Q. Who were the persons who broke it?

Mr. Erskine. Only tell us what you heard from the Bishop?

Mr. Manley. Do you know from the Bishop by whose orders the office had been broken open?

A. The Bishop told me, in the presence of my clerk, that it was broke open by his orders. He said, it was done by his servants, by his directions; and one of his servants concerned in the breaking of it told me.

Q. Did you observe, from the outward appearance, how it had been broke into?

A. There was a window; the leads had been taken out and the glass had been taken down, and it appeared to me, that the persons had got through the iron bars; and fresh locks were put upon the doors.

Q. Did you communicate to the Bishop, that fresh locks had been put upon the doors?

A. I asked my Lord if he knew any thing of it; he said it was done by his directions.

Q. What steps did you take in consequence of that?

A. I was exceedingly surprized—I did not know what to do for some time. At last I went to Bangor Ferry—I staid there the night—it was late—I had papers of great value—I had stamps to the value of two or three hundred pounds left in the office; and I knew I was answerable for all the archives, wills, and other papers, that were there; and I thought I ought to be restored to the possession of it as soon as possible. On the following morning, accompanied by my servants, we set off about nine from Bangor Ferry—we arrived at the office about ten—I had two clerks with me and three servants.

Q. When you arrived at the Office, were there any other persons there?

A. No other persons that I took notice of—none by my desire.

Q. Describe what you did?

A. I gave directions to force the doors open.

Q. Was the door forced open?

A. The outer door was forced open.

Q. Did you enter into the office after you had forced the door open?

A. I walked out at the door after I had forced that, and ordered my people to walk in and open the

the inner door—I walked out while they were doing it.

Q. Did they open the inner door?

A. Yes.

Q. Did the Bishop, or any of the other Defendants, make their appearance there?

A. When I walked out of the office, I saw Mr. Thomas Jones, one of the Defendants—he came out of the Dean's garden, to the best of my recollection, and he walked into the office; into what we call the hall.—I did not expect any thing of the kind—he placed his back against the inner door, and endeavoured to prevent our entry.—I asked Mr. Jones what he meant by *that*—he at last said he meant to prevent our entrance—I said, go about your business, Mr. Jones, you have no business here—he said he had, it was his office—upon which I told my people.—I endeavoured, first of all, to take him and put him out of the door; but he struggled and wrestled with me a long time.—I did take him to the outer door, but could not do more—he put his hands against the door-way and I could not get him any further—he was in sight of the Bishop's palace and the servants, and called out to them to come to his assistance.

Q. Use the expression he used.

A. He called out, *Here! come here!* or something to that effect—When he called out, John Rasbrook, the Bishop's house-steward, came out, and said, Follow me!—and they all ran towards the office; but Rasbrook was much before the servants.

Q. Who were they that ran?

A. The Bishop's livery-servants and others.

Q. How many might there be?

A. Four, five, six, or seven of them, I cannot be particular; I was confused when I saw them all run so—when I saw them run, I said to William

Roberts, one of my servants, Put Mr. Jones out, take him out—the man put his arms round him; and I perceived that Rasbrook and the Bishop's servants were running up—I stood upon the steps; Rasbrook came very near me running; I had in my pocket an empty pistol; I took this out, and told him, if he advanced another step, that I would shoot him.

Q. It was an empty pistol?

A. Yes.

Q. You are positive of that?

A. I am.

Q. Relate what followed?

A. Rasbrook turned round, and ran away, and the Bishop's servants stopped all of a sudden.

Q. What did you do upon that?

A. By this time Mr. Jones was removed out of the office by my servant—We all went into the office, and shut the outer door, and fastened it, as well as we could, because it had been forced open, and it was not to be locked; we went into the inner office, and there we were very peaceable, and meant to have been so.

Q. How long did you continue there before you were interrupted?

A. About a quarter of an hour.

Q. What happened afterwards to interrupt your tranquillity?

A. I was at the upper end of the office; one of my servants called, and said, there was a loud knocking at the door, and somebody wished to come in—I went there, and heard a noise at the door.

Q. Did you know whose voice it was?

A. I did not.

Q. Was it a loud voice?

A. Yes it was—I did not know the voice; upon
this

this I said, if there was any body that meant to enter into my office by force, that they would do it at their peril.

Q. Did you say that loud enough to be heard on the outside of the door?

A. Yes—There were several persons there; I loaded one pistol with powder and shot, not with ball, and repeated, that I was armed with pistols, and that if any body came into the office by force, they should do it at their peril, and take the consequence, for that I would defend my office, as I thought I had a right to do, and that I would shoot the first person that entered. I heard a voice from without, "Will you shoot the Bishop?"—then I knew it was the Bishop; I knew the Bishop was there—"Open the door to the Bishop," the same voice said—I said, "Yes, my Lord, immediately; provided your Lordship enters peaceably."

Q. Did you speak *that* out aloud, so that the Bishop might have heard it?

A. Yes, I am sure he must have heard it—By this time I had loaded my pistol; I put it into my pocket; I walked to the chair I generally sit on at my desk when I transact business; I sat down, and desired the door might be opened: the Bishop came into the office to me in a very great rage.

Q. Did any other persons come in with him?

A. There were some others that came, but I cannot particularly tell who—the Bishop came in such a rage, that I took more particular notice of his Lordship than any body else; he came in and said, "Fine work!" he said, "You shall not stay here, I will turn you out immediately!"—I said, "My Lord, I shall certainly behave with due respect to your Lordship, but I will not leave the office."—The Bishop was in a great passion; he took hold of me; then he went from me to my husbandman, William Roberts; he was in the office: then he went and laid hold of another of my servants, David Roberts, and at-

tempted to pull him out of the office. The Bishop then returned again to William Roberts, and took him by the collar, and pushed him towards the door; he walked and run about, and was in a violent passion; he had a handkerchief in his hand, wiping his face, and came up to me with his hands so [*describing it, clinching his hands, and holding them up before his breast*] and said, he would turn me out.

Q. Was it in the common way in which the Bishop holds his hands, or was he in a great passion at the time?

A. He was in a passion—It is not usual, I suppose, for a Bishop to hold clinched hands—and he called to his servants, and said, Come and take them out—There was one of them, Griffiths the helper in the stable; he said in Welch to the other persons, Shall we venture them, shall we lay hold of them?

Q. When the Bishop ordered his servants to come in, and turn you out, did you give any orders to your own servants?

A. I told them not to go out, that it was my office.

Q. When the Bishop first came into the room, did you give any orders to your servants?

A. I told them to retire to a spot near the window, and to be peaceable, and to be cool: "I have a right to defend this office; it is my office; be cool; molest no one."

Q. And did they retire to that spot, and keep cool and peaceable?

A. They did—I begged of the Bishop to be peaceable, and leave me in possession of my office, and not disturb me in it; I told him it was my castle, and I had a right, by law, to defend myself in it;—or to that effect.

Q. When the Bishop called his servants to come in, and take you out, what followed?

A. He said, Send to a magistrate; send to Mr. Kyffin

Kyffin—At one time the Bishop called to his servants; one of them stepped forward, and called out, Let us lay hold of them! shall we venture them? let us turn them out! let us drive them out!

Q. Was that after he had received the orders from the Bishop?

A. It was the Bishop called frequently to them.—I told the men the danger of it; that I was determined to defend myself; that it was my office; it was a place of great consequence to me; that I had many things of value there; that I would defend it by the means God and the law had put into my power—I used those words.—Mr. Roberts, the Archdeacon, the other Defendant, he came there, and he was also in a great rage.

Q. How soon did he come after the Bishop had given those orders?

A. I cannot take upon me to say whether it was immediately before or immediately afterwards; he was in a very great rage, and made use of very abusive language to me, and said, If nobody else would turn me out, he would—with his fist clinched;—and the Bishop said I had pistols with me: Pistols! said he—if you have pistols, shoot me, don't shoot the Bishop; here, I present myself to you.

Q. Where was he standing at that time?

A. Very near me in the office; he repeated it over and over in the most outrageous manner; he desired me to shoot him, but not the Bishop—I said, he would appear very violent in the Bishop's presence; he said, Come out with me, come on, said he, if you dare; and he said, he would retire with me, pointing through the window to the church-yard; he was not afraid of me in any place. I replied to him, That I had then something else to attend to.

Q. When you told him you had something else to attend to, did any thing further pass?

A. He continued there a long time—sometimes very

very outrageous ; at other times very abusive ; at other times he said nothing. The Defendant Hugh Owen came also there.

Q. When did he come up ?

A. I cannot be positive.

Q. He is a clergyman ?

A. Yes.

Q. Where did he come to ?

A. He came into the office also ; he was talking very loud, and making a noise there ; he was very insulting—I told them repeatedly, that I was very sorry for their conduct ; that if any of them had any business, I was there ready to transact it ; otherwise, I begged they would go about their business.

Q. What did Mr. Owen do ?

A. He was very insulting, and making a noise.—There was a Mr. John Williams also, another Defendant, who behaved in a very riotous manner.

Q. Is he a clergyman also ?

A. Yes.

Q. Relate what he did.

A. He was less noisy than the rest of them—I asked him what business he had there ?—he did not make me any reply—I told him to go about his business, that he had no business to stay there ; but he staid there long after the rest went, against my will—I told him to go about his business repeatedly ; he told me he came there at the request of the Bishop, and would not go—I further told him it was a great shame for the Bishop, and the rest of them, to come there in that riotous manner.

Mr. Erskine. This was after the Bishop was gone ?

A. Yes.

Mr. Manley. Was Thomas Jones there ?

A. He was there.

Q. How did he conduct himself ?

A. He

A. He joined with them; he was very noisy, and insulting and abusive to me.

Q. Did you desire him to leave the office?

A. I desired them all; but I spoke to Williams in particular to leave the office, because he remained there after the rest were gone.

Q. How did the matter end afterwards?

A. Mr. Kyffin came there afterwards.

Q. The magistrate?

A. Yes; and I saw the appearance of a constable—The Bishop immediately said to him, Mr. Kyffin, do your duty.

Q. Where was the Bishop all that time?

A. All the time in the office; they were there about an hour.

Q. When did the Bishop say that?

A. The Bishop said that, I think, as soon as he saw him—Upon this, Mr. Kyffin advanced to the place where I was, and said, In God's name, Mr. Grindley, what is the cause of all this?—I replied, That I really could not tell what was the cause of it; that the Bishop and his Chaplain, followed by several others, had come into the office in the manner he saw them, in that riotous manner. I said, if they had any business to transact, I was ready to do it; but if they had not, I thought it would be right for him to do his duty, and turn them all out. Mr. Kyffin did not do any thing at all; he was a very peaceable man, and I wish all the rest had been the same.—Then Mrs. Warren came, attended by two other ladies; she begged of the Bishop to go away; he said, he certainly would not; she said, Do pray; and laid hold of the sleeve of his coat with one or both her hands; and he resisted her, and said he would not go. There were two other ladies, of the name of Marriott; they were in tears; they begged, for God's sake, he would go; and they
and

and others prevailed upon him, and at last got him to go.

Q. What length of time were they, upon the whole, in the office?

A. As near as I can recollect, about an hour.

Mr. SAMUEL GRINDLEY,

Cross-examined by *Mr. Erskine.*

Q. You have not told us when it was that the Bishop of Bangor first desired you to relinquish your office.—How long was it before this transaction?

A. I told him that I should relinquish it—

Q. I am not asking you what you told the Bishop, but what requisition the Bishop made of you?

A. He had made none of me.

Q. He did not desire you to give up your office?

A. No.

Q. At no time, neither by letter, nor by word of mouth?

A. He wrote me a letter.

Q. You have had notice to produce that letter?

A. Not that letter.

Q. You have had notice to produce all letters?

A. I beg your pardon—the Bishop wrote to me to desire I would send him the key of the office—if that was a requisition.

Q. The key had been formerly kept by one of your clerks, who resided at Bangor?

A. Yes, in my absence.

Q. Where was it kept when you were present?

A. Sometimes by me, sometimes by a resident clerk.

Q. What is his name?

A. Thomas Dodd—he kept the key generally, and the other clerks I used to send to his assistance, occasionally kept it

Q. Of course, when the Bishop had occasion to go into your office he might send for that key?

A. When he had occasion, I suppose he did go; I never saw him go there out of office hours.

Q. Do you recollect desiring your clerk not to deliver the key if the Bishop sent for it?

A. No.

Q. How came your counsel to state that in your absence?

A. I desired that my clerk would be upon his guard, for the Bishop had taken away the seals out of the office, which surprized me very much. I desired my clerk would be careful, lest he should get into possession of the office; and, to take care of the key.

Q. Then you desired your clerk to be upon his guard, and if the Bishop should want the key, not to deliver it to him?

A. The Bishop had, in a clandestine way, sent to my resident clerk, and got the seals.

Q. Did you, aye or no (I am not enquiring your motives) desire your clerk to be upon his guard, to be careful that the Bishop, nor no other person, should get into possession of the office?

A. I was so surprized when I heard the Bishop had sent for the seals, that I thought it necessary to caution my clerk, as I had things of great value in the office.

Q. I am not asking your motive—by possession, do not you mean that the Bishop should not have from the clerk the key, to get personal access into your office in your absence?

A. I told him to be cautious, lest the Bishop should get possession of the office; but I never refused him admittance.

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Q. Was

Q. Was your clerk, by your permission or direction, to let the Bishop have the key in your absence, if he wanted it?

A. I gave no other directions but those.

Q. Upon your oath, did you not direct your clerk to take care that the Bishop did not gain entrance into the office, in your absence?

A. Left he should get possession of the office.

Q. You desired your clerk to be upon his guard that the Bishop might not have the key to enter into the office, lest he should take possession of it?

A. Lest he should get possession of it.

Q. Then you desired him not to let the Bishop have the key, lest he should get possession of it?

A. I told him to be upon his guard, that no one ousted him of the possession.—I will relate the very directions, word for word.

Q. Mind, I ask you upon your oath, whether you did direct your clerk to refuse the key to the Bishop, if he wanted to go into the office in your absence?

A. I did not.

Q. Then you were willing to let the Bishop into the office, in your absence?

A. He is here, [*meaning the clerk*] let him answer for himself.—I said this to the clerk, That I was informed the Bishop had got possession of the great seal; that he had applied for both; I desired him to be careful of the office, lest the Bishop should endeavour to get possession of that also.

Q. Do you mean by that, that he was to be careful, and that if the Bishop wanted to go into the office, he should accompany him, to see that he did not take the other seal, or that he should not have admission into the office in your absence?

A. I did

A. I did not give him any such directions; all I directed him was this, to be careful lest the Bishop should get possession of the office also.

Q. Did you give him any directions concerning the key?

A. I think it was in writing that I sent the directions.

Q. Will you swear you never directed him anything concerning the key?

A. I think I did not mention it; but the key must be included—I gave general directions.

Q. Thank you, Mr. Grindley, that is what I wanted. The Bishop had taken off the lock from this door, and had another key made for it, and the Bishop told you that this was done by his directions?

A. Undoubtedly.

Q. Did he not tell you at the same time that the key was there, if you wanted it to take any papers out of the office?

A. He did not.

Q. Nor wrote you to that effect?

A. No.

Q. Nor communicated it in any way?

A. I cannot speak to that, but another person will—A message was sent to my clerk from the Bishop, in the evening after the riot, by Mr. Roberts.

Q. That is not an answer to my question—Previous to the time of your coming into the office by force, as I mean to contend you did, had you any declaration from the Bishop, that the key was at the cathedral, or the palace, and that you might have it?

A. Positively not.

Q. You had no reason to think that you could get possession in any other way, than the way you had recourse to?

A. He told me that I should not.

Q. Then you sent for your three servants—are they your domestic servants?

A. They are my domestic servants.

Q. What are their names?

A. Two hired servants, and the other is my blacksmith.

Q. You call your blacksmith your domestic servant?

A. I said I had two hired domestics, and the other was my blacksmith.

Q. Who were the others?

A. Two clerks.

Q. You desired them to bring pistols with them, and powder and shot, did not you?

A. Yes.

Q. I have an account of it here—I knew a good deal of this some time ago; you shall hear of that by and by—you desired them to get pistols, and powder, and shot, and come to you?

A. Yes.

Q. That you might get possession of the office.

A. I never meant to make use of pistols to get into possession; I meant to defend myself if I got into possession, and if any body should attempt to oust me, to defend myself in the possession.

Q. Then you did bring pistols, and directed powder and shot should be brought, and they were accordingly brought to you?

A. They were not.

Q. Where did you first receive the pistols?

A. At Bangor Ferry.

Q. From

Q. From whom did you receive them?

A. From Mr. Jackson; and then I put them into my pocket unloaded.

Q. When Mr. Jones saw that you had entered into the office, you desired the blacksmith, no doubt, to break the lock?

A. I desired them generally.

Q. After you had got access, Mr. Jones put his back against the inner door of the office?

A. Yes.

Q. For the purpose of preventing your opening that also?

A. So it appeared.

Q. Upon which you directed these persons that were with you to pull him out; you endeavoured first to put him out yourself?

A. I did, when I saw the Bishop's servants running up to the office.

Q. Upon your oath, was it not before; for you said the Bishop's servants ran up in consequence of Rasbrook calling out?

A. Yes.

Q. Was it not before Rasbrook called out?

A. He called out for assistance when I was in the act of so doing.

Q. Did he call out for any other assistance till you endeavoured to pull him out; and did not the Bishop's servants come in consequence of his calling out for assistance?

A. Yes; I endeavoured to get him out, he struggled and wrestled with me—if the other door had been fairly open, I think I could have put him out.

Q. But he called out loud?

A. Yes.

Q. And

Q. And in consequence of that, Rasbrook was the first man that came up?

A. Yes, he came up very near the steps—I told him, If he advanced, he must take the consequences.

Q. Do you mean to swear, that is what you said to him—upon your oath, did you not present the pistol to him, and tell him, in plain English, you would shoot him?

A. Did I not say *that*, in my original examination: I had the pistol in my pocket?

Q. Did you tell him it was empty?

A. No.

Q. Did you tell him you would shoot him?

A. Yes.

Q. Did you tell him you would shoot him with an empty pistol?

A. No.

Q. When Rasbrook came up, you presented your pistol to him, and told him, you would shoot him?

A. Yes; he was running up very near to the office.

Q. Then Mr. Rasbrook ran away?

A. Yes.

Q. Probably he would not have been so ready to run away, if he had thought your pistol was not loaded?

A. Probably so.

Q. The Bishop after that came to the door?

A. He did.

Q. You told the Counsel, upon your original examination, that when the Bishop was at the door, you called loud enough for every body to hear you, that you were determined to stand upon your defence in your office—that you then loaded your pistols—

pistols—that after you made fast the door, you called out that you were determined to defend your possession and they must come in at their peril, if they attempted to come in by force.—Were not your words, “that you were armed, and were determined to maintain your possession, and would shoot the first man who entered by force?”

A. The words are these—When I heard this loud knocking at the door, I loaded one pistol with powder and shots, not a ball; and I mentioned to the persons at the door, I did not know who they were, that if any body forced themselves in, or attempted to force themselves in, that they would do it at their peril.—I repeated again, that the pistol was loaded, that I was armed with pistols and other weapons; that if they forced themselves in, they would do it at their peril, that I would shoot the first man that entered, that I would defend myself in the possession of my office—or to that effect.

Q. You said you were armed with pistols?

A. I said so, but I had only one; my clerk had the other pistol.

Q. He was in the office with you?

A. Yes.

Q. And *that* you said loud enough, that every body on the outside must hear?

A. Yes; and then somebody outside said, Will you shoot the Bishop? I said, No, my Lord.

Q. You heard a voice, desiring to be admitted, which you then knew was the Bishop, and you opened the door?

A. Yes.

Q. How many persons came in with the Bishop, when he entered?

A. I cannot tell.

Q. Did any body come in with him?

A. I cannot say?

Q. Will you swear he desired any body to come in with him?

A. He called to several people to remove me.

Q. When he asked admission, did he bring any thing in with him, or make use of any expression, calling upon others to follow him?

A. I will not be positive that he desired any body to follow him in.

Q. Did the Bishop say to you, when he came in, that he was much surprized that you should proceed with that force, violence, and tumult, to come into your office, when, if you wished to have the key, it was lying at the palace?

A. No such thing.

Q. Nor he never reprehended you for using any violence?

A. He said, "Fine work!"

Q. Where was your pistol at this time?

A. In my pocket.

Q. The stock of your pistol was out of your pocket, was it not?

A. No; I think the muzzle of it was—I dare say it was—I am sure it must.

Q. What other arms had you?

A. None; I only said *that* to intimidate them from breaking in upon me.

Q. Had you any bludgeons?

A. I had none.

Q. Will you swear that none of the people that came in with you had bludgeons?

A. I will swear nothing but what I am positive of.

Q. What are you positive of?

A. I think they had no bludgeon.

Q. Nor

Q. Nor any other weapon?

A. They had a chissel and a hamner they broke the door open with.

Q. The Bishop was armed with his handkerchief, we find?

A. I do not know of any thing else.

Q. Did you see any arms in the hands of any body who came afterwards into the office?

A. I did not.

Q. Do you know that the Bishop had sent for Mr. Kyffin, a Magistrate, before he came in?

A. No, I never knew any thing of the kind.

Q. When did he send for him?

A. I heard somebody say, Is Kyffin sent for? or to that effect; and he soon came there.

Q. How long had the Bishop been there before Mr. Kyffin came in?

A. It was sometime, I think, before he was sent for.

Q. When the Bishop put his fist, in the manner you state, had he his handkerchief in his hand?

A. No, he held his fists in this manner (*describing it, as in his original examination*) and said, he would turn me out—he was running stamping about.

Q. In a great passion, as you describe—how long was this after the Bishop came in?

A. Some little time; I cannot be positive as to the time he was there.

Q. Did you hear the Bishop say to any body round him, that law must take its course with you, and desired them not to interfere?

A. I did not.

Q. When Mrs. Warren and the ladies came, they all went away, I understand?

A. Yes; and the Bishop much against his will.

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Q. When

Q. You loaded your pistol for the purpose of defending your possession?

A. I did.

Q. And you were determined to defend your possession with them, and declared that publicly while this thing was going on?

A. I made no secret of it. I mentioned it once, twice, or three times—I conceived that I had a right to do it.

Q. You say, that this Mr. Gunning, the minor, is the Registrar—had you any appointment from Mr. Gunning?

A. I had an appointment from the Bishop; and a confirmation, I conceived, from the son.

Q. Had you a written confirmation from the son?

A. I had not.

Q. Had you no appointment by the son?

A. I had a confirmation; it was with his approbation; I paid him his rent.

Q. His approbation was signified by your paying his rent?

A. From what he spoke to me.

Q. Perhaps it may be an impertinent curiosity; but I should wish to ask you whether you ever saw this book (*shewing the witness a pamphlet*)?

A. I have seen some of these pamphlets.

Q. You have read it, probably?

A. I believe I have.

Q. You doubt it, perhaps?

A. Not in the least.

Q. Did you ever see it in manuscript?

A. No.

Q. Nor any part of it?

A. Any part of it?

Q. Yes,

Q. Yes, any part of it?

A. No; I did not.

Mr. Adam. I am at a loss to know what this is.

Mr. Justice Heath. His seeing it in manuscript, if it were a libel, would not implicate him.

Mr. Erskine. I may try the witness' credit with the Jury—I am going to contradict him. You never saw any part of it in manuscript?

A. No; I had two myself, one delivered to me in London, another sent down into the country.

Q. You did not know that such a work was writing till it was sent to you—have a care; go gently?

A. You need not caution me. I have only to tell you this, that it was mentioned in the public paper, that a pamphlet against the Bishop was shortly intended for the press last year.

Q. Then it was only through the medium of the public news-paper that you knew that a pamphlet was in agitation against the Bishop of Bangor?

A. That was the way I first came to know it.

Q. As you have read the pamphlet, you will see there is a private correspondence between the Bishop and you, stated in that pamphlet.

A. There is.

Q. How did it happen that this correspondence got into the hands of any body who, without your knowledge, composed this pamphlet?

A. It was not without my knowledge.—Some circumstances attending my resignation of the office under the Bishop, his Lordship's conduct towards me, and several other circumstances, made it necessary for me to make it known how it was; and I gave an account to several of my friends.

Q. Is that any part of it, "*General Grindley's expedition into the office?*"

A. Not in that manner—I told the plain truth as to General, or Adjutant, I know nothing of that kind.

Q. You only furnished these letters?

A. I delivered an account, to several friends, of the Bishop's conduct towards me.

Q. But you had no idea that they would find their way into the shape of a pamphlet, to be circulated through Wales?

A. Not it the least.

Q. You had no idea of that, till the book was sent you?

A. Not at all—When I saw it here, I knew it must be by somebody that had seen the account which I had written. For the Bishop had proposed that I might act, with respect to some matters in Wales. In consequence of that, I did act; and afterwards he would not suffer me, nor allow me, which compelled me to take the steps I did; and, in justification of my conduct, I did make this known.

Q. You gave copies of your letters.

A. I did.

Q. And there they are?

A. I do not know that they are here exact. I never compared them.

Q. Did you see any of these pamphlets in Wales?

A. I have heard of a great many of them.

Q. Did you see them in circulation in Wales, before this bill of Indictment was preferred?

A. No—yes, I believe.

Q. You

Q. You seem now to be in doubt—are you in any doubt about that?

A. I am not positive whether they were before or after; I really cannot tell, upon my oath.

Q. But about that time you saw them in circulation?

A. About that time.

Q. In pretty large circulation, I believe?

A. I do not know; the one that was sent to me in the country; there were several others in the same parcel. I immediately ordered that pamphlet to be locked up.

Q. Was that before the indictment was preferred?

A. I rather think after, but I cannot be positive about that.

Q. Nor who wrote this pamphlet, you do not know of course?

A. I do not know.

Q. Who might you give the copies of your letters to?

A. To several.

Q. Who were they?

A. I think to a Mr. Williams, of Treffos.

Q. Who else?

A. I shewed them, and gave them to many of my friends.

Q. Did you give copies to any body else?

A. I do not recollect that I did.

Mr. SAMUEL GRINDLEY,

Re-examined by Mr. *Manley*.

Q. Had you any message from the Bishop, before the riot was committed, that the key was at the palace for you?

A. Positively none.

Q. I think you said, in your original examination, that after you had turned Mr. Jones, out of the office, you had been, for about a quarter of an hour before the Bishop came, in quiet possession of it?

A. Yes.

Q. Then the Bishop came and said, "Turn them out?"

A. Yes, after he came in.

Q. My Friend has asked you about this appointment:—You paid the Bishop, for the use of the Minor, the rent, from time to time, of seventy pounds a year?

A. Yes.

Q. Now about these letters:—Did you deliver these letters, and communicate what had passed between you and the Bishop, to your friend, with a view of vindicating yourself?

A. Yes, that was my motive:—The curiosity of many was so much excited, that I was enquired of how it was, and I thought it necessary to do so.

Q. And you did it with that view, and nothing else?

A. Yes.

Mr. Erskine. Did you see this Gentleman (Dr. Owen) in the room before the Bishop left the room?

A. I have sworn it, and I repeat it.

Q. By the room you mean the office?

A. Yes.

JOHN SHARPE (sworn.)

Examined by Mr. Ellis.

Q. On the seventh of January were you in the Registrar's office, with Mr. Grindley?

A. Yes.

Q. Do

Q. Do you recollect the Bishop admitting to Mr. Grindley, that he had given directions for breaking into the Registrar's office?

A. Yes.

Q. Did you attend Mr. Grindley and some of his servants to the Registrar's office upon the morning of the eighth?

A. I did not.

Q. Did the Bishop tell Mr. Grindley that he might have the key of the office if he chose to send for it?

A. On the contrary, he refused, and said he should not have admission into the office.

JOHN SHARPE.

Cross-examined by *Mr. Plumer*.

Q. I believe you are the Clerk that were left at Bangor when Mr. Grindley went away?

A. No.

Q. Who was the Clerk that was left

A. Prichard.

Q. Had you the possession of the key?

A. I had.

Q. You had the key of this office in the absence of Mr. Grindley?

A. It was delivered to me by the Clerk in the office on the 7th of January.

Q. How long had it been in your possession?

A. In the evening of the 6th of January I got possession of the key from Mr. Dodd, and kept possession of it all the 7th.

Q. You had not it before the evening of the 6th?

A. I kept possession of the key on the 7th, which was a holiday.

Q. Before

Q. Before that time it was in the possession of Mr. Dodd?

A. Yes.

Q. After it was delivered over to you, were not your directions, not to let the Bishop have the key?

A. Undoubtedly; the object of my having the key was to prevent Mr. Dodd, who we thought might be prevailed upon to deliver up the key, in consequence of what had passed with respect to the seals.

Q. Thinking that Dodd would not be so much to be relied upon to keep the key from the Bishop as you, it was for that purpose delivered to you?

A. I so understood.

Q. I believe, after you had got possession of it, for the purpose you have described, to prevent the Bishop having it, fearing he would make some improper use of it, after that time the Bishop sent to you for the key, and you refused it?

A. It was for the purpose of preventing him; because Mr. Grindley had a number of private papers there, independent of the archives belonging to the Register office.

Q. These private papers did not relate to the office, but were private papers of his own?

A. I do not know what they were, they were in a private desk of his own.

Q. Was that desk locked?

A. Yes.

Q. So he was afraid the Bishop should break open that lock, and take away his private papers?

A. I cannot suppose *that*.

Q. This private desk was locked; and the proceedings of the Courts, and the wills, all the public documents of the Court, were in that office?

A. They were under lock and key; but I believe the

the keys were left in the locks; they were all in places for public security.

Q. After you had got the key, did not the Bishop send to you, to desire to have the key, and you refused him?

A. The first person that applied to me was Mr. Dodd, who, I believe, had been down along with the Bishop: he applied to me for the key.

Q. For the Bishop?

A. Yes, for the Bishop.

Q. Did he say it was for the Bishop?

A. I believe it was.

Q. At what time of the day was that?

A. At noon, on the 6th: it was a day prior to the breaking into the office.

Q. Did you at any time send the key to the Bishop?

A. I did not; my directions were to the contrary.

Q. Whether what you did was not in pursuance of the directions you had received from Mr. Grindley?

A. Undoubtedly so.

JOHN SHARPE.

Re-examined by *Mr. Ellis.*

Q. Did Mr. Grindley give you any other directions respecting this key, but "to take care?"

Mr. Erskine. He refused to deliver the key to the Bishop: he had the key on the 5th, he kept possession all the day on the 6th, and on the 7th gave it to Mr. Grindley.

Mr. Adam. Was it on the 6th you were asked for it?

A. It was.

THOMAS PRICHARD (sworn.)

Examined by *Mr. Adam.*

Q. What are you?

A. A Clerk to Mr. Grindley.

Q. Were you a Clerk to Mr. Grindley in January last?

A. I was.

Were you at Bangor upon the 6th, 7th, and 8th of January last?

A. I was there upon the 8th.

Q. In the morning of the 8th?

A. Yes.

Q. You know the situation of the office of the Registrar there?

A. Yes.

Q. It has a lobby to it, has it not; there is a flight of steps up to the porch?

A. Yes.

Q. There is a door to that porch?

A. Yes.

Q. Were you there at the time the door was shut?

A. I was.

Q. Who did you go with?

A. With Mr. Grindley, and one of his Clerks, and three of his servants.

Q. You got the doors opened, and went into the office?

A. Yes.

Q. When you got into the office, did Mr. Grindley give you any directions of how you were to conduct yourselves?

A. Yes:

A. Yes:—the Bishop's Agent came there before we got the door open.

Q. What is his name?

A. Mr. Jones.

Q. You put him out?

A. Yes; Mr. Grindley did.

Q. After he was gone, what did you do?

A. Forced open the inner door—the door of the office.

Q. Then Mr. Grindley, and you, and those who were with him, went in?

A. Yes.

Q. What was done to the outer door?

A. It was fastened by one of the men.

Q. When you got into the office, what was done to the inner door?

A. It was left open.

Q. How long had you been in the office before any body came?

A. About a quarter of an hour, I believe: I cannot tell certainly.

Q. What passed when any body came?

A. There was a loud knocking at the door: I kept on the inside of the office.

Q. When this knocking came at the door, did you hear any voice?

A. Not at first.

Q. Afterwards what did you hear?

A. I heard somebody say, "Open the door!" but they continued knocking a good while before that.

Q. Was there a bawling at the door?

A. Not at first.

Q. Was there at any time?

A. Yes, some persons cried out, Open the door!

Q. What did Mr. Grindley do upon that?

A. He walked towards the door.

Q. Did he afterwards open the door?

A. He asked who was there first; nobody answered directly—he asked, I believe, a second time, who was at the door—he told them, if they burst the door open he would shoot them—or something of that kind. They continued knocking at the door, and somebody cried out, “Open the door!”—Mr. Grindley enquired who was there; at last somebody called out, “Will you open the door to the Bishop of Bangor?” Mr. Grindley said, “I will open the door to your Lordship,”—and the door was opened.

Q. Before the door was opened, had Mr. Grindley given any direction to you, and the other persons within, how you should conduct yourselves?

A. He told us to keep in the office, and not to come out, and to sit there quiet.

Q. When the Bishop came in, what happened?

A. He seemed to be in a very violent passion; he followed Mr. Grindley into the office, and he clinched his fists in this manner (*describing it, his hands hanging down by his sides*)—and said to Mr. Grindley, “Fine work! fine work!”—Mr. Grindley said, “So it is my Lord, breaking open my office in this manner.”—“Your office (said the Bishop) you have nothing to do with it; you have no business here, I insist upon your going out!”—Mr. Grindley said, He would not go out, that he had a right to be there, and he would maintain his right; that he would pay due respect to his Lordship.—The Bishop was walking backwards and forwards in a very great passion, as I thought. Mr. Grindley seated himself down by a desk—Mr. Roberts the Chaplain, Dr. Owen, Mr. Jones, and Mr. Williams, soon followed him,

Q. They

Q. They are the Defendants?

A. Yes.

Q. How did they behave themselves?

A. Very riotous.

Q. What did they do?

A. The Bishop told the Chaplain, that Mr. Grindley threatened to shoot him. The Chaplain began to swagger, and said, if he would shoot any body he might shoot him; he challenged Mr. Grindley to retire, which he refused at that time, he said he had something else to do, or something of that kind, but he was at his service another time. —Mr. Grindley was walking backward and forward.

Q. Do you remember a person of the name of Roberts, a servant of Mr. Grindley.

A. Yes.

Q. Do you remember a person of the name of Robert Davis, a servant of Mr. Grindley?

A. Yes.

Q. Was any thing done to either of them?

A. One of them asked, Who are these fellows? who are these ruffians?

Q. Who asked that?

A. The Chaplain, or somebody else—he said, who are these ruffians?—Mr. Grindley said, they were quiet enough.

Q. Did they continue quietly all this time?

A. Yes.

Q. Was any thing done to these men?

A. The Bishop went up to William Roberts, and laid hold of him in this manner (*taking hold of his shoulder*) and pushed him towards the door—he laid hold of the Bishop's hand, and disengaged himself, and went further on into the office,

Q. Was any thing done to Robert Davis?

A. I did not see any thing done to him.

Q. Did you see any thing else done by any other of the Defendants.

A. Mr. Kyffin the magistrate came in soon, and asked what was the matter? Mr. Grindley said he did not know—that the Bishop came in, and his Chaplain followed.

Q. Was the Bishop there at that time?

A. Yes, that he came with his Chaplain and a great number of men, and that he did not know what was the matter.

Q. How many people might be collected together at this time?

A. I cannot tell; there might be forty people outside.

Q. What put an end to this?

A. Mrs. Warren came into the office to endeavour to take the Bishop away—she laid hold of his hand.

Q. Did he go with her immediately?

A. He did not—he pulled his hand from her, at that time she laid hold of him, and took him out, but he did not go out immediately—they had him out at last.

THOMAS PRICHARD,

Cross-examined by *Mr. Leycester.*

Q. You have told us all that passed, have you? because you are sworn to tell the whole truth, and you have done so, I take for granted?

A. I cannot recollect every word that passed.

Q. But you have told us the principal circumstances that passed?

A. I believe so.

Q. You

Q. You have told us all that Mr. Grindley did at the beginning—As I understood you, the first time Mr. Grindley talked of shooting, was when there was a rapping at the door—He asked who was there, and said, if any body attempted to come in by force he would shoot them—that was the first time he talked of making use of his pistols, was not it?

A. No, I believe not.

Q. You had heard him before, had you?

A. Yes, when the Bishop's steward came.

Q. The first thing that happened was Mr. Jones, the Bishop's agent, coming in, I believe?

A. Yes.

Q. When Mr. Jones came, Mr. Grindley attempted to turn him out, did not he? and they had a violent struggle?

A. Yes; but there was no blows.

Q. Mr. Grindley was endeavouring to thrust him out?

A. Yes.

Q. But Mr. Grindley first of all laid hold of him to thrust him out of the office, that was the beginning?

A. Yes, I believe it was—he placed himself with his back to the inner door.

Q. The rest were sitting perfectly quiet, and you were quiet all the time?

A. I did not touch him.

Q. They were all perfectly quiet?

A. After that Mr. Jones came in again.

Q. I am speaking of Mr. Grindley and his people—you were all perfectly quiet—had you any of you a pistol?

A. Yes, I had a pistol.

Q. So

Q. So, Mr. Grindley directs you to be perfectly quiet, and puts a pistol into your hand?

A. It was an empty pistol.

Q. And there was no powder and shot there?

A. I had none.

Q. There was no powder and shot there?

A. Indeed I had none.

Q. There was none there?

A. Mr. Grindley loaded his pistol.

Q. Was there no powder and shot there, except what Mr. Grindley used to load his pistol with?

A. I had none, nor had any of the others that I know of.

Q. When the Bishop came in, you say he walked backwards and forwards, with his hands clinched in this position (*describing it, hanging down by his sides*)?

A. Yes.

Q. Apparently in a passion, and saying—"Fine work?"

A. Yes.

Q. Walking about with his hands down in this manner (*describing it as before*)?

A. I cannot say they were so all the time.

Q. But when he came in, you say the Bishop held his hands in that manner, with his hands clinched, and said, "Fine work?"

A. Yes.

Q. When you said they behaved riotously, you have told us all that passed, and what you understood to be riotous, was the Bishop's being in a passion?

A. Yes.

Q. You say some one asked who these ruffians were?

were?—who made use of that expression, you do not know?

A. I am not very sure.

Q. Upon your oath, was Doctor Owen in the office at the same time with the Bishop?

A. Yes, I believe he was.

Q. Will you swear it positively?

A. I believe he was.

Q. Before you said positively, now will you swear positively that he was there at the same time with the Bishop?

A. To the best of my recollection he was.

Q. Do you recollect enough to swear positively one way or the other?

A. I believe he was.

Q. Will you swear positively that he was—do you, or not, recollect with sufficient certainty to swear it positively?

A. I believe he was there.

Q. Then you will not swear positively?

A. He was there I believe at the same time that the Bishop was.

Q. You will say no more than you believe.—it was a market-day, was not it, at Bangor?

A. No; the market-day is on a Saturday, this was on a Friday.

Q. Was it, or not, market-day at Bangor?

A. I believe not.

Q. Do you live at Bangor?

A. No; Saturday is the market-day there.

Q. Will you swear that Saturday is the market-day at Bangor?

A. Yes; they keep a market there on Saturday.

K

Q. Will

Q. Will you swear that Friday is not the market-day?

A. They might sell butchers meat, or something of that kind.

Q. Are you coming here to swear to what you know, or what you do not know,—what day is the market-day?

A. Saturday is a market-day there.

Q. You understand what is meant by the market-day, do not you?

A. Yes.

Q. Will you swear now, once more, that Friday is not the market-day—why every body knows what is meant by the market-day?

A. Yes, I know.

Q. Then will you swear that Friday is not the market-day?

A. It is Saturday, to the best of my knowledge,

Q. Do you know whether it is or not?

A. I am not very sure,

Q. Are you as certain about the rest you have been swearing to, as you are about the market-day—I ask you, upon your oath, whether it was not market-day—whether the several people that came up, did not come out of curiosity?

A. They did not all come from the market.

Q. These forty people did not come with the Bishop?

A. I do not know from where they came.

THOMAS PRICHARD.

Re-examined by *Mr. Adam.*

Q. You do not reside in Bangor?

A. No.

Q. You

Q. You are an engrossing clerk to Mr. Grindley?

A. I am employed in his office.

Q. Have you any particular reason to know any thing about the market-day, one way or another?

A. I really forget.

JOHN THOMAS (sworn.)

Examined by *Mr. Manley.*

Q. What are you?

A. A writer of Mr. Grindley's.

Q. Were you with Mr. Grindley, at Bangor, on the morning in which he took possession of this office?

A. Yes.

Q. We are told it was about nine or ten in the morning?

A. Yes.

Q. After you had broke open the door, what did you do to the outer door, after you got in possession of the office?

A. Fastened the outer door with an iron wedge.

Q. After you had fastened yourselves in, how long did you continue in the office before you heard anybody at the door?

A. We continued there about a quarter of an hour.

Q. Did you hear a noise at the door then?

A. Yes, I heard a rapping at the outer door.

Q. Did Mr. Grindley say any thing upon that rapping, or do any thing?

A. Mr. Grindley asked who was there—some person there said, Open the door; then Mr. Grindley charged his pistol with powder and shot.

Q. Having so charged it, did he say any thing before he opened the door to the persons outside?

A. He said that he was armed, and any persons that forcibly entered in, he would shoot them.

Q. Did he say that out aloud, so that persons that might hear it without the door?

A. Yes, he was close to the door when he said it.

Q. What day is market-day at Bangor?

A. Friday.

Q. Perhaps you are a native of Bangor?

A. No.

Q. Do you live near it?

A. No.

Q. When Mr. Grindley said, If you forcibly open the door I will shoot any person that does it—was that said once or twice, or oftener?

A. He said, You will not shoot me—open the door for the Bishop of Bangor.—Mr. Grindley said Yes, my Lord, I will open to your Lordship—the door was opened.

Q. When the door was opened, did anybody come into the office?

A. The Bishop entered in.

Q. What state of mind did he appear to be in?

A. In a violent rage—he came in stamping his feet—he walked towards Mr. Grindley, and said, Fine work! fine work!—Mr Grindley repeated, Yes, fine work, in breaking open my office—whoever did it shall repent it.

Q. What did the Bishop do further?

A. The Bishop said, "Your office! you have no right to be here, you must quit it immediately,"—or words to that effect. Mr. Grindley said, He had a right to be there. The Bishop continued to be in a rage there all the while.

Q. How

Q. How did he shew that he was in a rage?

A. He was stamping his feet, and walking about: he went towards Mr. Grindley very often, as if he had a mind, as I thought, to collar him.

Q. How did he hold his hands, when you say you thought he meant to collar him?

A. His hands were clinched, and he was walking about close to Mr. Grindley.

Q. Do you recollect what he said besides?

A. No.

Q. Do you know Dr. Owen?

A. Yes.

Q. Did you see the Bishop do any thing to any of the persons that were there?

A. Yes; to one William Roberts—he ordered his people to turn him out, and desired that he would make out; he fastened at his collar, and grappled at him, and wanted to push him towards the door; upon this William Roberts took hold of his hand, and disengaged himself—got clear from him.

Q. Did you see him do any thing to any other person?

A. No.

Q. Did you see him do any thing to Robert Davis?

A. No.

Q. Did you see Dr. Owen there?

A. Yes.

Q. What time did he come there?

A. I cannot tell.

Q. Was he there before the Bishop went away?

A. Yes.

Q. How long before the Bishop went away had he been there?

A. Sometime before the Bishop went away.

Q. Did

Q. Did you hear him say or do any thing?

A. No; he was in a great passion, talking or doing something or other—talking and laughing—and talking in very high words, like the rest of them.

Q. And that was before the Bishop went away?

A. Yes.

Q. Do you recollect any of those high words?

A. I do not recollect.

Q. Was the Reverend Mr. Roberts there?

A. Yes.

Q. How soon did he come?

A. He came soon after the Bishop.

Q. Did he come before Dr. Owen, or after him?

A. Before Dr. Owen.

Q. When the Reverend Mr. Roberts came, what did he say or do?

A. He came in very violent, with his fist clinched, and in an abusive and riotous manner; and said, he would turn us out. The Bishop told Mr. Roberts that Mr. Grindley was armed with pistols. Then he held his coat open, and said, If you shoot any body shoot me—then he challenged Mr. Grindley to retire.

Q. What was he to retire for?

A. To retire, as I thought, to fight.

Q. Where was he to retire to?

A. He wanted him to retire, pointing with his hand out of doors, and he pointed his head on one side, as if challenging him to come out.

Q. What did Mr. Grindley say to that?

A. He declined coming then, but he should be ready at his service at another period.

Q. Was the Bishop present at this time ?

A. He was present.

Q. And heard what Roberts said ?

A. He was in the office.

Q. Mr. Roberts is his chaplain ?

A. Yes.

Q. Did you see the Reverend Dr. Owen there ?

A. Dr. Owen was not come in at that time.

Q. Did you see John Williams there ?

A. Yes.

Q. The Reverend Mr. Williams, how soon did he come ?

A. He was there at the beginning.

Q. Before or after Mr. Roberts ?

A. After.

Q. What did he do ?

A. He was there among the rest, talking this and that, and wrangling there—there was a great noise amongst them.

Q. Did you see Thomas Jones ?

A. Yes.

Q. Was he there ?

A. Yes.

Q. When did he come ?

A. Soon after the Bishop.

Q. Did Thomas Jones come before Dr. Owen, or after ?

A. I think he came before Dr. Owen.

Q. Have you the least doubt whether Dr. Owen was there before the Bishop went away ?

A. He was there before the Bishop went away.

Q. How long might they stay there, in the whole ?

A. An hour, or thereabouts.

Q. Were

Q. Were there other persons about the door?

A. There were a great number of persons about the door.

Q. Did any of the by-standers do any thing?

A. One of the by-standers, when the Bishop said, Turn the people out, turn them out—one of them at last advanced into the inner office, and said to the others in Welsh,—“ Shall we take hold of them? “ come, come, let us take hold of them.”—Mr. Grindley moved from the door where he then was.

Q. During this time, what had become of Mr. Grindley's servants and persons.

A. Mr. Grindley ordered them to go to the window, but that they should not go out.—Mr. Grindley, when he saw the man advancing—

Q. What was that man's name?

A. I do not know;—upon the man advancing in, Mr. Grindley said, Peace is what I want; I shall not quit this office.—He said, peace was what he wanted, and this office was his castle.—Mr. Grindley laid his hand upon his pistol, upon which the man retreated.

Q. The man that had said, “ Shall we turn them out?”—

A. Yes.

Q. Did any persons come there to the Bishop afterwards; did you see Mrs. Warren there?

A. Yes.

Q. How was the Bishop got out of the office?

A. Mrs. Warren came into the office with two ladies, requesting him to come out.

Q. Did he go out upon her requesting him?

A. He did not;—he was not inclined to go out.

Q. What temper was he in at that time?

A. He was in a violent rage all the time; he would

would not go out at first—he mentioned that Mr. Grindley had pistols, that he was armed—I believe she was a little alarmed; then she took hold of his hand, and then took him by his arm, and wanted to take him out, but he struggled from her, and would not go;—he wanted to talk more with Mr. Grindley; they were talking one amongst another, all of them.

Q. He did go out soon afterwards, I believe?

A. He did.

Q. Did the rest of the Clergy go with him?

A. All of them went with him, but Mr. Williams.

Q. Do you recollect whether Dr. Owen went out with him?

A. Dr. Owen, I think, went out before him.

Q. Was Dr. Owen in the room after the Bishop had gone out at all?

A. I cannot recollect that.

Q. But whether he came before, or no, you cannot tell?

A. I do not recollect—He came with a paper for a receipt from Mr. Grindley—he wanted a receipt from Mr. Grindley.

Q. That was after the Bishop was gone out?

A. It was when the Bishop was there; he was not quite gone out.

Q. How long did Mr. Williams stay there after the Bishop was gone?

A. I cannot recollect—Mr. Grindley said he was ready to transact any business, if he had any—Mr. Williams said, the Bishop desired of him to stay there.

JOHN THOMAS.

Cross-examined by *Mr. Milles*.

Q. You describe yourself as an engrossing clerk of Mr. Grindley's; is that your business?

A. As a writing clerk.

Q. Have you any other particular interest about the business of Mr. Grindley?

A. No—I go here and there upon errands.

Q. Perhaps those errands are about notes—Do not you negotiate a little paper for Mr. Grindley?

Mr. Adam. With what view do you put that question?

Mr. Milles. To shew that the Witness is deeply interested with Grindley.

Mr. Justice Heath. You are not to go into Grindley's private affairs.

Mr. Milles. It does not signify.—You came with these people from Bangor Ferry?

A. Yes.

Q. How many were there of you?

A. There was a blacksmith, two servants, a clerk, and myself.

Q. Two pistols?

A. We had no pistols coming.

Q. Where did you happen to find them?

A. They were borrowed somewhere.

Q. How many men of you had bludgeons?

A. Small sticks.

Q. Short sticks?

A. I had none.

Q. I do not suppose they would put you upon that

that—Little short sticks, that, when in the pocket, would just appear out of it?

A. No; they were too long for that.

Q. They had none of them such sticks as those?

A. No; every one had a stick in his hand.

Q. When you came into the office, what was your employment at first?

A. I was ordered to come there with Mr. Grindley.

Q. Did you see all that passed; did you see Rasbrook come?

A. I did not see him come at all.

Q. You did not see your Master, Grindley, present the pistol to Rasbrook?

A. No. I was in the office then, and did not see that.

Q. I understood you the Bishop came into the office, and the others came after this?

A. Yes.

Q. When the Bishop came into the office, the muzzle of Grindley's pistol was out of his pocket, I believe?

A. The pistol was in his pocket.

Q. Where was the other pistol?

A. The other pistol was unloaded, with one of his clerks.

Q. Was it not upon the desk when the Bishop came in?

A. No:—It was in the clerk's pocket, and Mr. Grindley had the other.

Q. Was not that pistol upon the desk while you were there?

A. I did not see it there.

Q. You swear that.

A. I do.

Q. You saw the desk?

A. I did—I was going backward and forward.

Q. When the Bishop came in, this conversation passed—"Fine work! fine work!"—he was then walking about in a passion?

Q. He moved his hands so (*describing it—his hands down by his sides.*)

A. Yes.

Q. Did you hear all that passed between the Bishop and Grindley?

A. Yes.

Q. Did you hear the Bishop say this—"Those were the public records, and it was his duty to take care that the public records were not in improper hands?"

A. I cannot say for that.

Q. Did not the Bishop say, "The public records are here; they are of importance to the country, and it is unfit they should be in improper hands?"

A. I did not hear any thing of that—My eye was very often upon the people at the door, upon their talking so, and wrangling one with another, the Bishop and every one of them.

Q. So you remember his passion, you remember the attitude of his hands; but you cannot remember whether he said any thing of this sort in his conversation with Mr. Grindley?

A. I do not.

Q. Do you remember Grindley putting a writ into the Bishop's hand?

A. I do.

Q. When was it that he put a writ in his hand?

A. He served him with a writ, and put it into the

the Bishop's hand; the Bishop read it, and said he would answer it.

Q. Did he say that in a passion?

A. Yes, he was in a passion.

Q. Then from the time he came in till he went away with Mrs. Warren, the Bishop was in one continued passion, equally violent during the whole time he was in the room?

A. Yes.

Q. Did you see Mr. Kyffin, a justice of the peace, come in?

A. Yes.

Q. The Bishop was in a passion then, was he?

A. He was in a passion for a long time—for some time.

Q. Was he in a passion when Mr. Kyffin came in, aye or no?—you do not remember that, perhaps?

A. No.

Q. Did you see Mr. Kyffin come in a second time?

A. I saw him once only; I saw him talking with Mr. Grindley.

Q. When you saw Mr. Kyffin with Mr. Grindley, did you see Dr. Owen with him?

A. I cannot recollect.

Q. When Mr. Grindley said, "Peace is what I want, and every man's house is his castle," he put his hand into his pocket and took out a pistol?

A. Yes.

Q. Did not he persevere all the time in saying, he would defend his possession to the uttermost?

A. That he would not quit the office.

ROBERT

ROBERT DAVIS, (sworn.)

[*He not speaking English an Interpreter was sworn.*]

Mr. Justice Heath. What do you call this witness to prove?

Mr. Ellis. Only to prove the same facts.

Mr. Adam. I will rest the case here.

The End of the Evidence for the Prosecution.

The Honourable THOMAS ERSKINE,
for the Defendants.

Gentlemen of the Jury;

MY learned Friend, in opening the case on the part of the Prosecution, has reminded you of the great length of time which I have devoted to the duties of my profession, and particularly of the many occasions which have led me to the exercise of them in this place. It is very true, that I have been in the practice of the law for very many years, and more than once, upon memorable occasions, in this Court; and yet, with all the experience which, in that long lapse of time, the most inattentive man may be supposed to have collected, I feel myself wholly at a loss in what manner to address you. I speak unaffectedly when I say, that I never felt myself in so complete a state of embarrassment in the course of my professional life; indeed I hardly know how to collect my faculties at all, or in what fashion to deal with this most extraordinary subject. When my learned friend, Mr. Adam, spoke from himself, and from the emanations of as honourable a mind as ever was bestowed upon any of the human species, I know that he spoke the truth when he declared

declared his wish to conduct the cause with all charity, and in the true spirit of christianity. But his duties were scarcely compatible with his intentions; and we shall, therefore, have, in the sequel, to examine how much of his speech was his own candid address, proceeding from himself; and what part of it may be considered as arrows from the quiver of his Client. The cause of the Bishop of Bangor can suffer nothing from this tribute, which is equally due to friendship and to justice: On the contrary, I should have thought it material, at any rate, to advert to the advantage which Mr. Grindley might otherwise derive from being so represented. I should have thought it right to guard you against blending the Client with the Counsel. It would have been my duty to warn you, not to confound the one with the other, lest when you hear a liberal and ingenuous man, dealing, as he does, in humane and conciliating expressions, and observe him with an aspect of gentleness and moderation, you might be led by sympathy to imagine that such were the feelings, and such had been the conduct, of the man whom he represents. On the contrary, I have no difficulty in asserting, and I shall call upon his Lordship to pronounce the law upon the subject, That you have before you a prosecution, set on foot without the smallest colour or foundation; a prosecution, hatched in mischief and in malice, by a man, who is, by his own confession, a disturber of the public peace; and supported throughout by persons who, upon their own testimony, have been his accomplices, and who are now leagued with him in a conspiracy to turn the tables of justice upon those, who came to remonstrate against their violence, to recall them to a sense of their duty, to preserve the public peace, and to secure even the sanctuaries of Religion from the violation of disorder and tumult.

What

What then is the cause of my embarrassment?— It is this—In the extraordinary times in which we live; amidst the vast and portentous changes which have shaken, and are shaking the world; I cannot help imagining, in standing up for a Defendant against such Prosecutors, that the Religion and Order, under which this Country has existed for ages, had been subverted; that anarchy had set up her standard; that misrule had usurped the seat of justice, and that the workers of this confusion and uproar, had obtained the power to question their superiors, and to subject them to ignominy and reproach, for venturing only to remonstrate against their violence, and for endeavouring to preserve tranquillity, by means not only hitherto accounted legal, but which the law has immemorially exacted as an **INDISPENSABLE DUTY** from all the subjects of this realm. Hence it really is that my embarrassment arises; and however this may be considered as a strong figure in speaking, and introduced rather to captivate your imaginations than gravely to solicit your judgements, yet let me ask you, Whether it is not the most natural train of ideas that can occur to any man, who has been eighteen years in the profession of the English law?

In the first place, Gentlemen, Who are the parties prosecuted and prosecuting? What are the relations they stand in to each other? What are the transactions, as they have been proved by themselves? What is the law upon the subject? and, What is the spirit and temper, the design and purpose of this nefarious prosecution?

The parties prosecuted are, the Right Reverend Prelate, whose name stands first upon the indictment, and three ministers and members of his church, together with another, who is added (I know not why) as a defendant. The person prosecuting

secuting is—(*how shall I describe him?*)—For surely my learned Friend cou'd not be serious when he stated the relation between this person and the Bishop of Bangor.—He told you, most truly, which renders it less necessary for me to take up your time upon the subject;—that the Bishop is invested with a very large and important jurisdiction—that, by the ancient laws of this kingdom, it extends to many of the most material objects in civil life; that is, has the custody and recording of wills, the granting of administrations, and a jurisdiction over many other rights, of the deepest moment to the personal property of the King's subjects. He told you, also, that all these complicated authorities, subject only to the appellate jurisdiction of the Metropolitan, are vested in the Bishop. To which he might have added, (and would, no doubt if his cause would have admitted the addition) that the Bishop himself, and not his temporary clerk, has, in the eye of the law, the custody of the records of his church; and that he also is the person whom the law looks to, for the due administration of every thing committed to his care; his subordinate officers being, of course, responsible to him for the execution of what the law requires at his hands.

As the King himself, who is the fountain of all jurisdictions, cannot exercise them himself, but only by substitutes, judicial and ministerial, to whom, in the various subordinations of magistracy, his executive authority is delegated, so in the descending scale of ecclesiastical authority, the Bishop also has *his* subordinates to assist him judicially, and who have again their subordinate officers and servants for the performance of those duties committed by law to the Bishop himself; but which he exercises through the various deputations which the law sanctions and confirms.

The Consistory Court, of which this man is the Deputy Registrar, is the Bishop's Court.—For the

fulfilment of its duties, the law has allowed him his chancellor and superior judges, who have under them, in the different ecclesiastical divisions, their surrogates, who have again their various subordinates ; the lowest, and last, and least of whom, is the Prosecutor of this indictment ; who nevertheless considers the cathedral church of Bangor, and the court of the Bishop's see, as his own castle ; and who, under that idea, asserts the possession of it, *even to the exclusion of the Bishop himself*, by violence and armed resistance !

Do you wonder, now, Gentlemen, that I found it difficult to handle this preposterous proceeding ? — The Registrar himself (putting deputation out of the question) is the very lowest, last, and least of the creatures of the Bishop's jurisdiction ; without a shadow of jurisdiction himself, either judicial or ministerial. He sits, indeed, amongst the records, because he is to register the acts which are there recorded ; but he sits there as an officer of the Bishop, and the office is held under the chapter part of the cathedral, and within its consecrated precincts, where the Bishop has a jurisdiction, independent of all those which my Friend has stated to you — a jurisdiction, given to him by many ancient statutes, not merely for preserving that tranquillity which civil order demands every where ; but to enforce that reverence and solemnity, which religion enjoins, within its sanctuaries, throughout the whole Christian world.

Much has been said of the Registrar's freehold in his office. The term which he has in it — *viz.* for life — arose originally from an indulgence to the Bishop who conferred it ; and it is an indulgence which still remains, notwithstanding the restraining statute of Elizabeth. — The Bishop's appointment of a Registrar is, therefore, binding upon his successor — but how binding ? — Is it binding to exclude the future Bishop from his own cathedral ? — Is it true, as
this

this man preposterously supposes, that, because he chuses to put private papers of his own, where no private papers ought to be—because he thinks fit to remove them from his own house, and put them into the office appointed only for the records of the Public—because he mixes his own particular accounts with the archives of the diocese—that, therefore, forsooth, he has a right to oust the Bishop from the offices of his own court, and to resist his entrance with pistols, if he comes even to enjoin quiet and decency in his church?—Surely Bedlam is the proper forum to settle the rights of such a claimant.

The Bishop's authority, on the contrary, is so universal throughout his diocese, that it is laid down by Lord Coke, and followed by all the ecclesiastical writers, down to the present time, that though the freehold in every church is in the parson, yet that freehold cannot oust the jurisdiction of the Ordinary, who has a right, not merely to be present to visit the conduct of the incumbent, but to see that the church is fit for the service of religion: And so absolute and paramount is his jurisdiction, that no man, except by prescription, can even set up or take down a monument, without his license; the consent of the parson, though the freehold is in him, being held not to be sufficient.

The right, therefore, conferred by the Bishop on the Registrar, and binding (as I admit it to be) upon himself and his successor, is the right to perform the functions of the office, and to receive the legal emoluments. The Registrar may also appoint his Deputy, but not in the manner my learned Friend has affirmed; for the Registrar can appoint no Deputy without the Bishop's consent and approbation. My learned Friend has been also totally misinstructed with regard to the late judgment of the Court of King's Bench on the subject. He was not concerned in the motion; and has only his report of it from

his client. Mr. Grindley was represented in that motion by a learned Counsel, who now assists me in this cause, to whom I desire to appeal. The Court never pronounced a syllable which touched upon the controversy of to-day ; on the contrary, its judgment was wholly destructive of Mr. Grindley's title to be deputy—for it held, that the Infant, and not his *natural* Guardian, had, with the Bishop's approbation, the appointment of his deputy ; whereas Mr. Grindley was appointed by his Father only, and not by the Infant at all, which my friend well knew, and therefore gave parol evidence of his possession of the office, instead of producing his appointment, which would have been fatal to his title : And the reason why the Court refused the mandamus, was, because Mr. Roberts, who applied for it, was not a legal deputy. It did not decide, that the Prosecutor *was* the legal officer, but only that Mr. Roberts *was not* ; and it decided that he *was not*, because he had only the appointment of the infant's father, which was, by the bye, the only title which the prosecutor had himself : and although the infant was a lunatic, and could no longer act in that respect for himself, yet the Court determined that his authority did not devolve to the father, but to the Court of Chancery, which has, by law, the custody of all lunatics.

This judgment was perfectly correct, and supports my proposition, That the prosecutor was a mere tenant at will of the Bishop.—The infant can indeed appoint his deputy, but not *ex necessitate rei*, as my Friend supposes ; on the contrary, he will find the reason given by the Court of King's Bench, as far back as the reign of Charles the First, as it is reported by that great magistrate, Mr. Justice Croke. It is there said, that an infant can appoint a Deputy, *because the act requires no discretion, the approbation, which is tantamount to the choice, being in the Bishop.* The continuance must therefore, in common sense, be in the Bishop also ; for otherwise, the

the infant having no discretion, a proper person might be removed indiscreetly, or an improper person might never be removed at all.

I maintain, therefore, on the authority of the ancient law, confirmed by the late decision of the Court of King's Bench, *in this very case*, that the Prosecutor,—who is so forward to maintain a privilege, which he could not have maintained, even if he had been judge of the court, and chancellor of the diocese—had, in fact, no more title to the office than I have. He tells you, himself, that he never had any appointment from the infant, but from the father only, with the infant's and the Bishop's approbation; in other words, he was the deputy *de facto*: But, as such, I assert he was a mere tenant at will; and, consequently, became, to all intents and purposes, a private man, from the moment the Bishop signified his determination to put an end to his office; and that the Bishop had signified his determination before the transaction in question, Mr. Grindley has distinctly admitted also. I thought, indeed, I should be more likely to get that truth from him, by concealing from him the drift of my examination; and he therefore swore, most eagerly, that the Bishop did not offer him the key at the palace; but that, on the contrary, he had told him distinctly, that he was no longer in the office. He says, besides, that the Bishop expressed the same determination by a letter; in answer to which he had declared his resolution to hold it till the year expired. I say, therefore, that the Prosecutor, at the time in question, was not Deputy Registrar, and, that the infant, being a lunatic, the Bishop had a right to give charge of the office till another was duly appointed. This point of law I will put on the record, if my Friend desires it.

But why should I exhaust myself with this collateral matter; since, in *my* view of the subject, it signifies nothing to the question we have to consider?

sider? It signifies not a farthing to the principles on which I presently mean to rest my defence, whether he was an usurper, or the legal deputy, or the infant himself with his patent in his hand.

Let us now, therefore, attend to what this man did, whatever character belonged to him.

This is principally to be collected from the Prosecutor's own testimony, which is open to several observations.

My learned Friend, who stated to you in his absence, the evidence he expected from him, explained, with great distinctness, the nature and obligation of an oath; and speaking from his own honest sensations, and anticipating the evidence of his Client, from the manner he would, as a witness, have delivered his own,—he told you, that you would hear from him, a plain, unvarnished statement; that he would keep back from you no circumstance, nor wish to give a colour to any part of the transaction.—What induced my Friend to assure us, with so much solicitude, that his witness would adhere so uniformly to the truth, I cannot imagine, unless he thought that his evidence stood in need of some recommendation. All I can say is, that he did not at all deserve the panegyric which was made upon him, for he did not give an unvarnished statement of the very beginning of the transaction, which produced all that followed. I asked him, Whether, in refusing the key, he did not mean to keep an exclusive possession of the office, and to prevent the Bishop even from coming there?—But, observe how this gentleman fenced with this plain question—‘*I did not,*’ he said, ‘*refuse him the key, but only lest he should take possession.*’—I asked him again, ‘If he did not positively refuse the key?’—and desired the answer to be taken down.—At that moment my friend, Mr. Manly, very seasonably interposed, as such a witness required to be dry-nursed; and at last he said, ‘*Oh, the key was included.*’

The

The Bishop, therefore, was actually and wilfully excluded wholly from the office. For, notwithstanding Mr. Grindley's hesitation, Mr. Sharpe, who followed him, and who had not heard his evidence, from the witnesses being kept apart, swore **DISTINCTLY AND AT ONCE**, that the key was taken from Dodd, because Grindley thought he would let the Bishop have it; and the witness said further—(*I pledge myself to his words*)—"IT WAS THEREFORE DELIVERED INTO MY CUSTODY, AND I REFUSED IT TO THE BISHOP—I DID SO BY MR. GRINDLEY'S DIRECTION UNDOUBTEDLY."

The very beginning of the transaction, then, is the total exclusion of the Bishop from his own court, by a person appointed only to act as Deputy, by his own consent, and during his own will; which will he had absolutely determined before the time in question. I am, therefore, all amazement, when it shoots across my mind, that I am exhausting my strength in defending the Bishop; because, most undoubtedly, I should have been Counsel for him as a Prosecutor, in bringing his opponents to justice.

According to this new system, I would have the judges take care how they conduct themselves. The office-keepers of the records of the courts at Westminster, are held by patent; even the Usher's place of the Court of King's Bench is for life; he too is allowed to appoint his Deputy, who is the man that puts wafers into our boxes, and papers into our drawers, and who hands us our letters in the cleft of a stick. But nevertheless, I would have their Lordships take care how they go into the Court of King's Bench, which it seems is this man's castle. If Mr. Hewit were to make a noise and disturb the Court, and Lord Kenyon were to order him to be pushed out, I suppose we should have his Lordship at the next assizes for a riot.

Suppose

Suppose any of the Judges wished to inspect a record in the Treasury Chamber, and the clerk should not only refuse the key, but maintain his possession with pistols; would any man in his senses argue that it was either indictable or indecent to thrust him out into the street?—yet, where is the difference between the attendants on a court civil and a court ecclesiastical? Where is the difference between the Keeper of the records of the Court of King's Bench or Common Pleas, and the Registrar of the Consistory of Bangor?

To all this I know it may be answered, That these observations (supposing them to be well-founded) only establish the Bishop's right of entry into his office, and the illegal act of the Prosecutor in taking an exclusive possession; but that they do not vindicate the Bishop for having first taken off the lock in his absence, nor for afterwards disturbing him in the possession which he had peaceably regained; that the law was open to him, and that his personal interference was illegal.

To settle this point, we must first have recourse to facts, and then examine how the law applies to them.

It stands admitted, that though Mr. Grindley knew that the Bishop had determined his will, and had insisted on his surrender of his situation, which he never held but by the Bishop's sufferance, he absolutely refused the key, with the design to exclude him from the office. It was not till then, that the Bishop, having no other means of access, ordered the lock to be taken off, and a new key to be made.

Now whether this act of the Bishop's was legal or illegal, is wholly beside the question—his Lordship is not charged with any force or illegality on that account; he is not accused even in the Counsel's speech with any impropriety in this proceeding, except

except an intrusion into this imaginary castle of Mr. Grindley.—It is admitted, in short, that the Bishop took a possession *altogether peaceable*.

His Lordship then, having removed the Deputy Registrar without due authority, if you please, and being in peaceable possession, contrary to law, let it be supposed, for any thing which interests my argument,—let us see what follows.—And in examining this part of the evidence, upon which indeed the whole case depends, I am not driven to the common address of a Counsel for a Defendant in a criminal prosecution; I am not obliged to intreat you to suspend your judgments till you hear the other side—I am not anxious to caution you to withhold implicit credit from the evidence, till the whole of it is before you.—No, Gentlemen, I am so far from being in that painful predicament, that though I know above half of what you have heard is not true; although I know that the transaction is distorted, perverted, and exaggerated in every limb and member; yet I desire that you will take it as it is, and find your verdict upon the foundation of its truth. Neither do I desire to seduce your judgments, by reminding you of the delicacy of the case. My Friend declares he does not know you personally; but that he supposes you must have a natural sympathy in protecting a person in the Bishop's situation against an imputation so extremely inconsistent with the character and dignity of his order. It is natural, as decent men, that you should; and I therefore willingly second my learned Friend in that part of his address. I solemnly conjure you also to give an impartial judgment—I call upon you to convict or acquit, according to right and justice.—God forbid, that you should not!—I ask no favour for my Client because he is a prelate, but I claim for him the right of an English subject, to vindicate his conduct under the law of the land.

The Bishop, then, being in peaceable possession, what is the conduct of the Prosecutor, even upon his own confession?

He sends for three men; two of whom he calls domestics; one of them is his domestic blacksmith—He comes with them, and others, to the office, with pistols, and provided with powder and shot. Now, *quo animo?* did they come—I was really so diverted with the nice distinction of Mr. Grindley, in his answer to this question, that I could scarcely preserve my gravity.—He said, “I came, it is true, with pistols, and with powder and shot, to take possession; but—mark—I did not *load* my pistols in order to *take* possession—I did not load them till *after* I had it, and then only to *keep* the possession I had peaceably taken.”—This would be an admirable defence at the Old Bailey.—A man breaks into my house in the day to rob me of my plate—(This is but too apt a quotation, for so I lost the whole of it)—But this felon is a prudent man, and says to himself—I will not load my fire-arms till I have got into the house and taken it, and then I will load them, to defend myself against the owner, if I am discovered.—This is Mr. Grindley’s law; and therefore, the moment he had forced the office, he loaded his pistols, and called aloud repeatedly,—that he would blow out the brains of the first man that entered.—A pistol had before been held to the breast of one of the Bishop’s servants; and things were in this posture when the Bishop came to the spot, and was admitted into the office. The lock which he had affixed he found taken off, the doors forced open, and the apartment occupied by armed men, threatening violence to all who should oppose them.

THIS IS MR. GRINDLEY’S OWN ACCOUNT.—He admits, that he had loaded his pistol before the Bishop came; that he had determined to stand, *vi et armis*, to maintain possession

sion by violence, and by death if necessary; and that he had made that open declaration in the hearing of the Bishop of the diocese.—Perhaps Mr. Grindley may wish, hereafter, that he had not made this declaration so public; for whatever may be the Bishop's forbearance, yet the criminal law may yet interpose by other instruments, and by other means. Indeed, I am truly sorry to be discussing this matter for a Defendant in July, which ought to have been the accusation of a Prosecutor six months ago, if the public peace of the realm had been duly vindicated.

The Bishop, then, being at the door, and hearing his office was taken possession of by force, and by the very man whom he had displaced, the question is, Did he do more than the law entitled him to in that conjuncture?—I maintain, that, from over forbearance, he did much less. If in this scene of disorder the records of the diocese had been lost, mutilated, or even displaced, the Bishop, if not legally, would at the least have been morally responsible. It was his duty, besides, to command decency within the precincts of his church, and to remove at a distance from it all disturbers of the peace.—And what, after all, did the Bishop do?—He walked up and down, remonstrating with the rioters, and desiring them to go out, having before sent for a magistrate to act according to his discretion. It is true, Mr. Grindley worked himself up to say, that the Bishop held up his fist so (*describing it*); but, with all his zeal, he will not venture to swear he did so with a declaration, or even with an appearance of an intention to strike him. The whole, that he can screw up his conscience to, is, to put the Bishop in an attitude, which is contradicted by every one of his own witnesses—who all say, that the Bishop seemed much surprized, and walked to and fro, saying, “this is fine work!”—and moving his hands backwards and forwards thus (*describing it*).

it). Does this account at all correspond with Mr. Grindley's? or does it prove an attitude of force, or even an expression of passion? on the contrary, it appears to me the most natural conduct in the world.

They may fancy, perhaps, that they expose the Bishop when they impute to him the common feelings, or, if you please, the indignation of a man, when all order is insulted in his presence, and a shameless outrage committed in the very sanctuary which he is called upon, by the duty of his office, and the dignity of his station, to repress. Is it required of any man, either by human nature, or by human laws (whatever may be the sanctity of his character) to look at such a proceeding unmoved? Would it have been wrong, or indecent, if he had even **FORCIBLY** removed them. **I SAY, IT WAS HIS DUTY TO HAVE DONE SO, WHOEVER WERE THE OFFENDERS;** whether the Deputy Registrar, the Registrar himself, or the highest man in the kingdom.

To come at once to the point: I maintain, that at the time the Bishop came to the door, at which very moment Grindley was threatening to shoot the first person that entered, which made somebody say, "Will you shoot the Bishop?"—I maintain, at that very moment three indictable offences were committing, which put every man upon the level of a magistrate, with regard to authority, and even prescribed a duty to every man to suppress them. In the first, there was **AN AFFRAY**; which my Friend did not define to you, but which I will. Mr. Serjeant Hawkins, transcribing from the ancient authorities, and whose definition is confirmed by every day's practice, defines an affray thus: "It is an affray, though there is neither actual violence nor threat of violence, where a man arms himself with dangerous weapons in such a manner as will naturally cause terror;"—and this was always an offence

fence at common law, and prohibited by many statutes.

Let us measure Mr. Grindley's conduct, upon his own account of it, by the standard of this law, and examine whether he was guilty of an affray. He certainly threatened violence; but I will throw him *in* that, as I shall examine his threatening when I present him to you in the character of a rioter. I will suppose then, that he threatened no violence; yet he was armed with dangerous weapons in such a manner as would naturally create terror. He tells you, with an air of triumph, that he brought the arms for that express purpose, and that he dispersed those who came to disturb him in his castle. He was, therefore, clearly guilty of an affray.

Let us next see what the law is, as it regards all the King's subjects, when an affray is committed. The same authorities say "That"—I read from Mr. Serjeant Hawkins, who collects the result of them, "That any private man may stop and resist all persons engaged in an affray, and remove them; that if he receive a hurt in thus preserving the peace, he may maintain an action for damages; and that if he unavoidably hurt any of the parties offending in doing that which the law both allows and commends, he may well justify it, for he is no ways in fault."

Setting aside, therefore, the office and authority of the Bishop, and the place where it was committed, and considering him only as a private subject, with no power of magistracy, he had a right to do—not that which he did (*for in fact he did nothing*) he had a right to remove them by main force, and to call others to assist in removing and securing them. The Bishop, however, did neither of these things; he took a more regular course; he sent for a magistrate to preserve the peace; he had, indeed, sent for him before he came himself; yet, they

they would have you believe, that he went there for an illegal purpose, as if any man who intended violence, would send for a magistrate to witness the commission of it. When the magistrate came, Mr. Grindley thought fit to behave a little more decently; and so far was the Bishop, from acting with passion or resentment, that when those about him were desirous of interfering, and offered their services to turn them out, he said to them, "No! let the law take its course in due season." His Lordship, by this answer, shewed a greater regard for peace than recollection of the law; for the course of the law did warrant their forcible removal; instead of which, he left the Prosecutor, with arms in his hands, in a possession, taken originally by force and forcibly maintained.

Let us next examine if the Prosecutor, and his witnesses, were engaged in a riot.—My learned Friend will forgive me if I remind him, that there is one part of the legal definition of a riot, which he omitted. I will therefore supply the omission from the same authorities. "A riot is, where three
 " persons, or more, assemble together with an in-
 " tent, mutually, to assist one another against any
 " who shall oppose them in the execution of some
 " enterprise of a private nature, and afterwards
 " actually execute the same in a turbulent man-
 " ner, to the terror of the people, whether the act
 " intended be legal or illegal." But the same au-
 " thorities add very properly — "It is clearly agreed,
 " that in every riot there must be some such cir-
 " cumstances, either of actual force and violence,
 " or of an apparent tending to strike terror into
 " the people, because a riot must always be laid in
 " *terrorem populi.*"

This most important part of the definition of a riot, which my Friend prudently omitted, points, directly and conclusively upon the conduct of his own Client, and completely excludes mine. The
 Prosecutor,

Prosecutor, and his witnesses, did assemble mutually to support one another, and executed their purpose with arms in their hands, and with threats and terror; which conclusively constitutes a riot, whether he was Registrar, or not, and whatever might be his right of possession.

The Bishop, on the other hand, though he might have no right to remove the Prosecutor, nor any right to possession, could not possibly be a rioter, for he came without violence or terror, or the means of either, and if he had employed them, might lawfully have used them against those who were employing both.

Let us now further examine, whether I was right in maintaining, that there was an aggravation, from the place where the offence was committed, and which invested the Bishop with a distinct character and authority.

By the statute of Edward the Sixth, if persons come tumultuously within the consecrated precincts of the church, the Ordinary has not only a right to repress them, but he may excommunicate the offenders; who are, besides, liable to a severe and ignominious temporal punishment, after a conviction on indictment, even for an indecent brawling within the precincts of the church, without any act at all, which would amount to a riot or an affray.

Let us then, for a moment, reflect, how these solemn authorities, and any possible offence in the reverend Prelate, can possibly be reconciled; and let us contemplate, also, the condition of England, if it be established as a precedent upon the fact before you, that he is amenable to criminal jurisdiction upon this record.

A riot may arise in the street, the moment after your verdict is pronounced, by persons determined to take and to maintain some possession by force.
I may

I may see or hear armed men threatening death to all who shall oppose them; yet I should not venture to interpose to restore the peace, because I cannot try their titles, nor examine to which of the contending parties the matter in controversy may belong.

If this new doctrine is to be established, ask yourselves this question—Who will in future interfere to maintain that tranquillity, which the Magistrate may come too late to preserve, if the rein is given to disorder in the beginning? Although dangerous violence may be committing, though public order may be trampled down within his view, a wise man will keep hereafter within the walls of his own house. Though fearless of danger to his person, he may yet justly fear for his reputation, since, if he only asks what is the matter, and interposes his authority or counsel, he may be put, by the rioters, into an attitude of defiance, and may be subjected to the expence and degradation of a prosecution! The delicate situation of the Bishop, at this moment criminally accused before you, is admitted; but it is hardly more, Gentlemen, than would attach upon persons of many other descriptions. The same situation would not be much less distressing to a Judge, to a Member of Parliament, or to any of you, Gentlemen, whom I am addressing. What would be the condition of the Public, or of your own, if you might be thus dragged to the Assizes as rioters, by the very rioters which your duty had driven you to offend? I assert, that Society could not exist for an hour, if its laws were thus calculated to encourage its destroyers, and to punish its protectors.

Gentlemen: There is no man loves freedom better than I do; there is no man, I hope, who would more strenuously oppose himself to proud and insolent domination in men of authority, whether proceeding

ceeding from ministers of the church, or magistrates of the state. There is no man, who would feel less disposed to step beyond my absolutely imposed duty as an advocate, to support oppression, or to argue away the privileges of an Englishman.

I admit, that an Englishman's house is his castle ; and I recollect and recognize all the liberties he ought to enjoy. My Friend, and I, are not likely to differ, as to what an Englishman's freedom consists in. The freedom that he and I love and contend for, is the same. It is a freedom that grows out of, and stands firm upon, the law ; it is a freedom, which rests upon the ancient institutions of our wise forefathers ; it is a freedom which is not only consistent with, but which can not exist without public order, and peace ; and, above all, it is a freedom, cemented, by morals, and still more exalted by a reverence for Religion, which is the parent of that charity, humanity, and mild character, which has formed, for ages, the glory of this country.

Gentlemen : My learned Friend takes notice, that this cause has been removed from its primitive tribunal, in order to be tried before you at Shrewsbury. He tells you, he never saw the affidavit that was the foundation of its removal ; which, however, he with great propriety, supposes contained matter which made it appear to Lord Kenyon to be his duty to withdraw the trial from its proper forum in Wales. But, he is instructed by Mr. Grindley to deny that any thing was done, either by himself, or any other person connected with him, to prejudice that tribunal, or the country which was to supply it. I, on the other hand, assert, that, upon the Prosecutor's own evidence, greater injustice and malice never marked any judicial proceeding. I have in my hand a book (no matter by whom written) circulated industriously through all Wales, to prejudice the public mind upon the very ques-

tion before you. But Mr. Grindley, it seems, is not responsible for the acts of this anonymous libeller.—How far he is responsible, it is for you to judge. It is for you to settle, how it happened that the author of this book should have it in his power, minutely to narrate every circumstance which Mr. Grindley has himself been swearing to; and that he should happen, besides, to paint them in the very same colours, and to swell them with the same exaggerations, with which they have been this morning accompanied. It will be for you to calculate the chances that should bring, into the same book, under inverted commas, a long correspondence between the Bishop of Bangor and this very Person.—Gentlemen, he admits, upon his oath, “that he “furnished the materials from whence that part of “the work, at least, might have reached the author;” and from thence it will be for you to guess, what share he had in the remainder. All I know is, that from that time forward the Bishop’s character has been torn to pieces, not from this pamphlet alone, but by a pestilential blast of libels, following one another; so that it has been impossible to read a news-paper, without having announced to us this miserable cause, and the enquiries to be instituted in Parliament, which were to follow the decision.

Gentlemen: The same spirit pursues the cause even into this place, proceeding from the same tainted source. My Friend tempers his discourse with that decorum and respect for Religion, which is inseparable from the lips of so good a man. He tells you, that it has been wittily said of the Clergy, and his Client desires him to add, “truly too”—that the clergy have found what Archimedes wished for in vain—“a fulcrum, from whence to move the world;” he tells you, “that it is recorded of that great Philosopher, that he desired but to have a fulcrum for his engine

engine, to enable him to accomplish it."—"Churchmen," says Mr. Grindley, by the mouth of Mr. Adam—who cannot abandon his Client, and who, as a sort of set-off against his own honour and moderation, is obliged to inhale the spirit of his Client—"The Church," says Mr. Grindley, "has found this fulcrum in the other world, and it is by playing off this world, that they en Thrall the world we live in." He admits, indeed, that when they employ their authority to enforce the true purposes of Religion, they have a right to that awful fulcrum upon which their engine is placed, and then their office will inspire reverence and submission; but when they make use of it for the lowest and violent purposes, for ends destructive alike to religion and civil society, then it is, that disgrace not only falls upon its individuals, but destruction overtakes the order.

My learned Friend, by his Client's instruction, then immediately applies this general reflection; and says, "that he can discover no other reason, why the Bishop would no longer permit Mr. Grindley to hold the office, than that he had deviated from his celestial course, had looked to the vile and fordid affairs of the world, and prostituted the sacred dignity of his character to purposes which would degrade men in the lowest situations of the world."—My Friend said, across the Court, that he had never seen the pamphlet. Good God! I believe it. But I have seen it; and I have no doubt that one half of it is copied into his brief: it is written in this very spirit; it brings before the Bishop the events of France; it warns him of the fate of his brethren in that country, as an awful lesson to ecclesiastics of all ranks and denominations, and reminds him, that 18 archbishops, 118 bishops, 11,850 canons, 3,000 superiors of convents, and a revenue of fifteen million sterling, were on a sudden swept
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away. [*Mr. Erskine here read an extract from the pamphlet:*] and then continued,

Gentlemen: All this is mighty well; but he must be but little acquainted with the calamities of France, who believes that this was the source of them. It was from no such causes that these horrors and calamities arose, which have disfigured and dishonoured the revolution, and which have clouded and obscured the otherwise majestic course of freedom;—horrors and calamities which have inspired an alarm into many good men, and furnished a pretext for many wicked ones, in our own country. It was the profligacy and corruption of the French STATE, and not the immorality of her CLERGY which produced her sudden and extraordinary crisis, in the vortex of which the church, and almost religion itself, was swallowed up. The clergy of France was pulled down in the very manner of this pamphlet. A trumpet was blown against their order—the massacre of St. Bartholomew was acted upon the stage, and the Cardinal of Lorraine introduced upon it, exciting to murder, in the robes of his sacred order. It is asked, by a most eloquent writer (with whom I do not agree in many things, as I do in this) whether this horrid spectacle was introduced to inspire the French people with a just horror of blood and persecution?—and he answers the question himself by saying, That it was to excite the indignation of the French nation against religion and its offices; and that it had its effect. “That, by such means, “the archbishop of Paris, a man only known to “his Flock by his prayers and benedictions, and “the extent of whose vast revenues could be best “ascertained by his unexampled charity to the unhappy, was to be hunted down like a wild beast, “merely because the Cardinal of Lorraine, in the “sixteenth century, had been a rebel and a murderer.”

In the same manner this Pamphlet, through the medium of abuse upon the Bishop of Bangor, is obviously calculated to abuse the minds of the lower orders of the people against the Church, and to destroy the best consolation of human life, by bringing the sanctions of religion into doubt and disrepute. I am, myself, no member of the church of England, nor do I know that my Friend is—we were both born in another part of the island, and educated in other forms of worship; but we respect the offices of Religion, in whatever hands they are placed by the laws of our country: and certainly the English Clergy never stood higher than they do to-day, when Mr. Adam, so thoroughly acquainted with the history of his country, as far as it is ancient, and who, from his personal and professional connexions, is so perfectly acquainted with all that passes in the world of our own day, is drawn back to the times of Laud and Woolsey, to search for English prelates, who have been a reproach to the order; and when he would represent tyranny and oppression in churchmen, he is forced back upon an unreformed church, and to ages of darkness and superstition; because it would have been in vain to look for them under the shadow of that mild religion which has promoted such a spirit of humanity, and stamped such a character upon our country, that if it should ever please God to permit her to be agitated like neighbouring Nations, the happy difference would be seen between men who reverence religion, and those who set out with destroying it.

The Bishops, besides (to do them common justice) are certainly the last of the clergy that should be attacked.—Tho' the indulgent spirit of reformed Christianity, recollecting that, though invested with a divine office, they are men with human passions and affections; permits them to mix in all the customary indulgences, which, without corrupting our morals, constitute much of the comfort and happiness of our lives

lives; yet, they in a manner separate themselves from their own families; and, whilst the other orders of the clergy, even the most dignified, enjoy (without being condemned for it) the amusements which taste and refinement spread before us, no Bishop is found within these haunts of dissipation.— So far from subjecting themselves to be brought to the assizes for riot and disorder, they thus refuse many of the harmless gratifications, which, perhaps, rather give a grace and ornament to virtue, than disfigure the character of a Christian; and I am sure, the reverend Prelate, whom I represent, has never overstepped those limits, which a decorum, perhaps overstrained, has by custom imposed upon the whole order. The Bishop's individual character, like every other man's, must be gathered from his life, which, I have always understood, has been eminently useful and virtuous. I know he is connected with those, whose lives are both; and who must be suffering distress at this moment from these proceedings. He is nearly allied to one, whose extraordinary knowledge enables him to fulfil the duties of a warm benevolence, in restoring health to the sick, and in bringing back hope and consolation along with it, to families in the bitterness of affliction and distress. I have, more than once, received that blessing at his hands, which has added, not a little, to the anxiety which I feel upon this occasion.

Gentlemen:—I am instructed, and indeed pressed, by the anxiety of the Bishop's friends, to call many witnesses, to shew, that he was by no means perturbed with passion, as has been represented, and that, so far from it, he even repressed those, whose zeal for order, and whose affection for his person, prompted them to interfere; saying to them, "The law will interpose in due season."—I have witnesses, to a great number, whom I am
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pressed to call before you, who would contradict Mr. Grindley in the most material parts of his testimony; but then I feel the advantage he would derive from this unnecessary course; he would have an opportunity, from it, to deprive the reverend Prelate of the testimony and protection of your approbation. He would say, no doubt, "Oh, I made out the case which vindicated my prosecution, tho' it was afterwards overturned by the testimony of persons in the Bishop's suite, and implicitly devoted to his service: I laid facts before the Jury, from which a conviction must have followed, and I am not responsible for the false glosses by which his witnesses have perverted them."—This would be the language of the Prosecutor; and I am, therefore, extremely anxious that your verdict should proceed upon the facts as they now stand before the Court, and that you should repel, with indignation, a charge which is defeated by the very evidence which has been given to support it. I cannot, besides, endure the humiliation of fighting with a shadow, and the imprudence of giving importance, to what I hold to be nothing, by putting any thing in the scale against it; a conduct, which would amount to a confession that something had been proved which demanded an answer. How far those, from whom my instructions come, may think me warranted in pursuing this course, I do not know; but the decision of that question will not rest with either of us, if your good sense and consciences should (as I am persuaded they will) give an immediate and seasonable sanction to this conclusion of the trial.

Mr. Erskine, after consulting a few minutes with Mr. Plumer, Mr. Leycester, and Mr. Milles, informed the Court he should give no Evidence.

*Summing up.**Mr. Justice Heath.*

Gentlemen of the Jury,

THIS is an Indictment against the Bishop of Bangor, Hugh Owen, John Roberts, John Williams, and Thomas Jones. The indictment states, "That Samuel Grindley (who it seems is the Prosecutor of this indictment) on the 8th of January last, was Deputy Registrar of the Episcopal and Consistorial Court of the Bishop of Bangor, and that, in right of his office, he had the use of a room adjoining to the Cathedral Church of Bangor, called The Registrar's Office, for transacting the business of his office: That the Defendants, intending to disturb the Prosecutor in the Execution of his office of Deputy Registrar, on the 8th of January last, riotously assembled and unlawfully broke the Registrar's Office, and remained there for an hour, and continued making a great disturbance, and assaulted the Prosecutor, and stirred up a riot."

This, Gentlemen, is the substance of the indictment.—The definition of a riot has been truly stated to you; it may be collected, indeed, from the indictment itself; and that is, when two or more persons assemble together with an intent mutually to assist each other, and to resist all those who should oppose them, and with a further intent to break the peace;—and it is likewise for a private purpose.

Now, before I sum up the evidence, I shall state those things particularly, to which you should direct your attention; and you will consider how the evidence applies in support of the indictment. It must be first proved, to your satisfaction, that the Prose-

cutor is Deputy Registrar of this Consistorial Court of the Bishop of Bangor; that, in right of that office, he had the use of this room to transact his business there; that the Defendants, intending to disturb him in his office, riotously assembled to disturb the peace, and broke and entered the office-room, and continued there, making a great disturbance, asserting that he had assumed an office which did not belong to him, and making a riot there. These things must be proved to your satisfaction.—I will comment upon the evidence as I shall state it to you.

Samuel Grindley, the Prosecutor, tells you, that in February 1792 he was appointed Agent to the Bishop of Bangor, and he afterwards held the office of Deputy Registrar, under Mr. Gunning, who, it seems, was a minor—that he saw Mr. Gunning, the Registrar, in October 1794—that he paid seventy pounds a year to the Bishop, on account of Mr. Gunning his principal—that the Bishop was the person who made the bargain between him and his principal—that he entered on his office as Deputy.—He says, that he was invited by the Bishop, and that the Bishop introduced him (the Prosecutor) to Mr. Gunning, as the Principal Registrar, and introduced the Principal Registrar to the Witness as his Deputy.—He says that there was no complaint that he had not discharged the duties of his office; and that he continued to discharge the duties of his office till the 22d of February last.—He says, that there is an apartment belonging to this office, which, it seems, is under the Chapter-house adjoining to the Cathedral—that there is a flight of steps going up to it—that he employs his Clerks in the office, and he has a resident Clerk there.—He says, he told the Bishop that he would resign on the 22d of February last—that on the fourth of January, he was absent from Bangor, and returned on the seventh, having received information that his

office had been broken open — that the Bishop afterwards acknowledged to him, that it had been broken open by his (the Bishop's) servants, under his direction. — He says, that some panes of glass had been taken down, the leads had been removed, and fresh locks had been put upon the doors. All this the Bishop acknowledged. — And then he gives you an account of his coming there; of his breaking open the door, and his entering again.

Let us consider, so far as this, how it applies. In the first place, it certainly does not lie in the mouth of the Bishop to say, that this man was not properly appointed to his office — he was in the exercise of his office — he had made an agreement with his Principal, and he paid him seventy pounds a year — that the Bishop was the person who negotiated the business; and he gave the Bishop notice that he meant to give up his office on the 22d of February — but you see, between the 4th and the 7th of January, before the time the Prosecutor had appointed for resigning his office, the Bishop thought proper to go to the office and break open the lock, and then, it is contended, on the part of the Defendants, that the Bishop was in peaceable possession — it is contended too, that, as Bishop, he had a jurisdiction in this Cathedral — that, because the Deputy Registrar must be confirmed by the Bishop, that the Prosecutor is only tenant at will to the Bishop — that he never had a legal appointment, and therefore the Bishop had a power of dismissing him.

Now, in the first place, supposing it to be proved, that the Bishop had a power of dismissing him (which does not appear one way or the other) it does not follow from thence, that he ought to do it by force or violence, he ought to do it by process of law. It happens in this country, that the Lord Chief Justices of the Courts of King's Bench and Common Pleas, have a right of
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appointing officers;—the Judges attending the court at the Old Bailey, have a right of appointing the officers there;—and questions have frequently arisen concerning this power of appointment, whether rightfully or wrongfully exercised.—What is the mode of deciding it? each party appoints his officer, and then one brings his action, and it is determined by due course of law.—If the Bishop had a right of dispossessing this man, which does not appear to me, because, though the appointment of a Deputy might not be good without the approbation of the Bishop, it does not follow from thence, that the Bishop had a right to withdraw that approbation and that confirmation, after it was given. Whether he can, or can not, is a question I am not prepared to decide, and it is immaterial to the present question; it is enough to say, that if the Bishop had that right and that power, it behoved him to have caused Mr. Gunning to have appointed another Deputy, and then that Deputy ought to have tried the right.—The question then is, was the Bishop in peaceable possession? No man is in peaceable possession of any place which he comes to by force and violence—the Bishop exercised force and violence in this respect, in breaking the lock, and in putting on a new lock—therefore, the force and violence was on the part of the Bishop;—he was never in peaceable possession of this place, nor could he have a right to come and put this lock upon the door.

Let us pursue this matter by steps.—The Prosecutor said he came armed with pistols—that was, I think, improper; he ought not to have armed himself with pistols in that fashion.—He broke open the lock, and he entered—that was not improper; he being in possession of this office, it was lawful for him to do so.—Then, it seems, a Mr. Rasbrook came, who is a person exercising some office under the Bishop, his house-steward, I think—

he came, and the Prosecutor presented a pistol to him—that was highly improper. A man has a right to arm himself, and to assemble his friends in defence of his house; but the law allows no more, because the house is his sanctuary; to arm himself, and assemble his friends in defence of his close; because he ought to have recourse to legal means, if he is injured; and therefore, the Prosecutor certainly acted with a greater degree of force and violence, in that respect, than he ought to have done. But then that was no legal excuse for the Bishop's coming afterwards in the manner that he did. The Prosecutor's presenting a pistol to Raabrook, could be no inducement to the Bishop, and the other Defendants, because they were not present, and their passions were not provoked by it.

The Bishop, in this case, Gentlemen, seems to have laboured certainly under two very great errors—first of all, that he had a right to remove the Prosecutor; and, secondly, that he had a right to remove him by force and violence.—Then these persons were removed out of the office, the outer door was secured, by some means, by the Prosecutor, and the several persons with him.—It is said that they were guilty of a riot. I think, certainly, they were guilty of no riot *at this time*; they were guilty of a misdemeanor in arming themselves, but they stood merely upon the defensive.—No person, as I told you before, is justified in arming himself and his servants to defend his close; but if he does arm himself and his servants to defend his close, and opposes no person without the close, then he is guilty of no riot whatever.

The question is, Whether or no they are guilty of such a breach of the peace—of an act of so much force and violence, as to constitute a riot.—When there was a knocking at the door, the Prosecutor said he would shoot any one who should enter;

enter; which, I said before, he was not warranted in doing. Being told the Bishop was there, he said he would treat him with all possible respect, and he opened the door, and admitted him and his followers; and then, he says, he loaded another pistol.—He tells you, the Bishop entered in a great rage. Whether there was any rage or passion, or no, is only material to shew whether or no the rest of the story is probable; because, his being in a rage, does not prove him guilty of a breach of the peace. The question is, whether he has committed any acts in breach of the peace?—First of all, the Prosecutor tells you, that he told the Bishop he should behave with proper respect to him, but he should not leave the office—he swears that the Bishop took hold of him; and afterwards he went to William Roberts, an husbandman belonging to the witness; he then went to another servant, Robert Davis, and attempted to pull him out—that the Bishop returned to William Roberts, collared him, and drew him towards the door—that the Bishop went with his hands clinched towards the witness; and the witness describes the manner in which he (the Bishop) went towards him.—Now his taking hold of the witness is an assault.—He says, he attempted to pull him out—his seizing hold of him is an assault—his returning to William Roberts, and collaring him, and pushing him towards the door, is another assault—his going with his hands clinched towards him in a menacing way, if he were near enough to strike him, would be an assault; if not near enough to strike him, it would not be an assault—and then he called to his servants to come and pull him out—that is a breach of the peace, coming and removing them all by force and violence.

Then there is that which passes in respect to Mr. Roberts.—The Prosecutor and the other witnesses tell you, that Roberts was in a great rage—he cannot

not say whether he entered before or after the orders given by the Bishop; that he clinched his fist, and said, if nobody will turn him (meaning the Prosecutor) out, I will do it.—The Bishop said, the Prosecutor had pistols; upon which Roberts said, in an outrageous manner, do not shoot the Bishop, shoot me; and said, that if nobody else would turn the Prosecutor out, he would.—He asked the Prosecutor to go on one side with him, into the church-yard, and said, he was not afraid of him in any place.—The witness said, he had something else to attend to; and another of the witnesses said, he promised to meet him at some other time and place.—This is, you see, a challenge by Roberts to fight the Prosecutor—why that is a breach of the peace.—The Bishop is present; he is the person who tells Roberts that the Prosecutor had pistols—then the Bishop hears this challenge.—They all came upon one design.—When several persons come upon an illegal design or purpose, the act of one, especially if in the presence of all, is the act of all.

This, Gentlemen, is the sum of the evidence on the one side; and there is no evidence on the other.

The Bishop, no doubt, is a man of an excellent character; but at this moment he gave way to his temper. He ought to have followed the process of the law, and not so to have done. Thus much I have said affects the Bishop, and affects Roberts.—As to Owen, the Prosecutor says that Owen came into the office; he made a noise; he talked very loud. The witness told him, if he had any business, he was there ready to transact it, otherwise he begged they would go about their business. He only speaks to his making a noise.—John Williams, he says, was less noisy than the rest.—The witness asked what business he had there; and told him to go about his business. He says,

says, he staid there against his will; he staid after the rest went away.

Upon this it is necessary for me to state, as I did before, that the other Defendants, coming with the Bishop upon the same design, by force and violence, to dispossess the Prosecutor, undoubtedly they came with an unlawful intent and purpose; and, if you believe these witnesses, they were guilty of the several breaches of the peace which I have stated—in assaulting the Prosecutor—in assaulting David Roberts, in assaulting William Roberts, and in the Defendant Roberts challenging the Prosecutor,—if you believe these witnesses, it seems to me that the Defendants are guilty of the riot with which they stand charged.—As for the force and violence which the Prosecutor made use of, all that may be urged in another place in mitigation of the punishment; it is only for you to determine whether they, or each of them, are guilty of this riot.

Mr. Erskine. The two last witnesses stated a direct contradiction.

Mr. Justice Heath. The law is clear and plain; you will apply the law to the facts as I have stated them.—You will banish all prejudices that you may have from all publication.—It is, indeed, unnecessary to admonish Gentlemen of your enlightened understanding; but at the same time, considering that individuals are to be tried by the law of the land, if they are guilty, notwithstanding the high character they may deservedly have, down to this time, it is your duty to find them guilty. If you have any reasonable doubt whether they are guilty, in that case you will acquit the Defendants.

In about Five Minutes the Jury acquitted all the Defendants.

